

**AGENDA
BOARD OF SELECTMEN
MONDAY, SEPTEMBER 12, 2016**

6:30 p.m. – Convene Meeting in Open Session – Waquoit Meeting Room – Mashpee Town Hall

PLEDGE OF ALLEGIANCE

MOMENT OF SILENCE

MINUTES

- Approval of the following: Monday, August 22, 2016 Regular & Executive Session

APPOINTMENTS & HEARINGS

- 6:30 – Public Comment
- 6:35 – Review and approval of One-Day Liquor License and Temporary Sign Applications:
 - Oktoberfest, One-Day Liquor License, *Terrie Cook (Mashpee Kiwanis)*
 - Oktoberfest, Temporary Signage, *Mary Bradbury (Recreation Director)*
 - PetFest, Temporary Signage, *Deborah Dami (Town Clerk)*
- 6:40 – Review and approval of Amendments to Section 5, New Seabury Conservation Restriction, *John Falacci (Project Manager)*
- 6:45 – Conditions & Operating Policies for the Operation of a Communications Center for the Town of Mashpee by the Barnstable County Sheriff's Office, *Sheriff James M. Cummings*
- 7:00 – Update on Transfer Station Operation, *Catherine Laurent (DPW Director)*
- 7:15 – Discussion of October Town Meeting Warrant Articles:
 - Habitat for Humanity housing projects at Orchard Road and Quinaquisset Avenue, *Ed Larkin (CPC) and Leedara Zola (Habitat for Humanity)*
 - Wastewater Plan, *Jeff Gregg (GHD)*

COMMUNICATIONS & CORRESPONDENCE

- 1) Acknowledgement of surrender of General-on-Premises Liquor License effective September 5, 2016, *Artfully Yours*
- 2) Review of correspondence from the Town Clerk relative to the By-law Review Committee

OLD BUSINESS

- 1) Review of additional articles (3) proposed for inclusion in the October 2016 Annual Town Meeting Warrant

NEW BUSINESS

- 1) Review and approval of License to Enter and Use Real Property between Mashpee Commons Limited Partnership and the Town of Mashpee
- 2) Review and adoption of Board of Selectmen Policy #066, Senior Property Tax Work-Off Program, *Lynne Waterman (COA Director)*

- 3) Discussion and approval to grant Conservation Restriction on the Mills Property
- 4) Review and approval of October 2016 Annual Town Meeting Warrant
- 5) Approval of appointment to the Conservation Commission, *Thomas J. O'Neill*
- 6) Approval of appointment to the Mashpee Cable and Advanced Technology Advisory Board,
Morgan James Peters

ADDITIONAL TOPICS

(This space is reserved for topics that the Chairman did not reasonably anticipate would be discussed)

LIAISON REPORTS

EXECUTIVE SESSION

**AGENDA
BOARD OF SELECTMEN
MONDAY, AUGUST 22, 2016**

6:30 p.m. – Convene Meeting in Open Session – Waquoit Meeting Room – Mashpee Town Hall

PLEDGE OF ALLEGIANCE

MOMENT OF SILENCE

MINUTES

- Approval of the following: Monday, August 8, 2016 Regular and Executive Session

APPOINTMENTS & HEARINGS

- 6:30 – Public Comment
- 6:40 – Review and approval of various Special Event Applications:
 - Church Without Walls, August 28, 2016, *Mashpee Baptist Church*
 - Wedding Rehearsal Clambake, September 23, 2016, *Richard Klein & Karen Faulkner*
 - RUCK 4 HIT 5K, September 25, 2016, *Nicole Spencer*
- 6:45 – Public Hearing: Request for modification of entertainment license, *Barnstable Pizza & Pasta Co. Inc., dba Finally Dino's*
- 7:00 – Catherine Laurent, DPW Director
 - Review and approval of Change Order #3, Route 151 Corridor Engineering Design
 - Approval of temporary placement of Election signs and Town Meeting signs

COMMUNICATIONS & CORRESPONDENCE

- 1) Proclamation, *Suicide Prevention Week*
- 2) FY 2018 Budget Schedule
- 3) Selectmen Meeting Schedule, December 2016 through June 2017
- 4) Review of correspondence relative to status of Trust Lands of the Mashpee Wampanoag Tribe

OLD BUSINESS

NEW BUSINESS

- 1) Review of Draft #2 of the October 2016 Annual Town Meeting Warrant, to include additional Warrant articles proposed for submission by the Board of Selectmen
- 2) Review and execution of Renewal Agreement between the Town of Mashpee and Mashpee Commons, Limited Partnership for the Treatment and Disposal of Wastewater
- 3) Acceptance of resignation from the Community Preservation Committee, *Diane Rommelmeyer*
- 4) Acceptance of resignation from the Mashpee Economic Development and Industrial Corporation, *Theresa "Terrie" M. Cook*

- 5) Acceptance of resignation from the Mashpee Cultural Council, *Madeleine Walsh*
- 6) Approval of appointment to the Planning and Construction Committee, *Thomas J. O'Neill, Architect*
- 7) Approval of appointment to the Human Services Committee, *Ebony Steele*

ADDITIONAL TOPICS

(This space is reserved for topics that the Chairman did not reasonably anticipate would be discussed)

LIAISON REPORTS

EXECUTIVE SESSION

Update on contract negotiations between Town of Mashpee and Mashpee Permanent Fire Fighters Association, IAFF Local 2519, after which, the Board may reconvene in Public Session for a vote on this matter.

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Present: Selectman Gottlieb, Selectman Cahalane, Selectmen O'Hara,
Selectman Cotton, Selectman Sherman
Town Manager Rodney C. Collins
Assistant Town Manager Wayne E. Taylor

Meeting Called to Order by Chairman Gottlieb at 6:30 p.m.
Mashpee Town Hall, Waquoit Meeting Room

MINUTES

Monday, August 8, 2016 Regular and Executive Session:

Motion made by Selectmen Cotton to approve the Regular & Executive Session minutes of Monday, August 8, 2016 as presented.

Motion seconded by Selectmen Sherman.

VOTE: Unanimous. 5-0.

Roll Call Vote:

Selectman Gottlieb, yes	Selectman Cahalane, yes	Selectman O'Hara, yes
Selectman Cotton, yes	Selectman Sherman, yes	Opposed, none

APPOINTMENTS & HEARINGS

Public Comment: None at this time.

Review and approval of various Special Event Applications:

Church Without Walls, August 28, 2016, Mashpee Baptist Church:

Representatives from the Mashpee Baptist Church were in attendance to request the Board approve a Special Events Application for the annual non-ecumenical prayer service "Church Without Walls" and picnic to be held at the Mashpee Community Park on Sunday, August 28, 2016 from 9:00 a.m. to 4:00 p.m.

The application is approved with requirements imposed by the DPW and Inspections Department to provide 2 to 3 portable restroom facilities in the Community Park parking lot, provide for additional trash, all trash and recycling shall be collected and removed at the close of the event, the location of the tent shall be approved by the DPW, the use of any grills shall comply with Fire Department requirements in terms of location and a permit is required for the tent which is provided by the Sheriff's Department.

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Minutes
August 22, 2016

APPOINTMENTS & HEARINGS

Review and approval of various Special Event Applications: (continued)

Church Without Walls, August 28, 2016, Mashpee Baptist Church: (continued)

Motion made by Selectman Sherman to approve the Special Events Application of the Mashpee Baptist Church to hold their annual "Church Without Walls" event on Sunday, August 28, 2016 as referenced with the conditions imposed by the Town of Mashpee.

Motion seconded by Selectman O'Hara.

VOTE: Unanimous. 5-0.

Roll Call Vote:

Selectman Gottlieb, yes	Selectman Cahalane, yes	Selectman O'Hara, yes
Selectman Cotton, yes	Selectman Sherman, yes	Opposed, none

Wedding Rehearsal Clambake, September 23, 2016, Richard Klein & Karen Faulkner:

Richard Klein and Karen Faulkner were before the Board to request approval to hold their wedding rehearsal dinner, a clambake on Friday, September 23, 2016 from 4:00 p.m. to 7:00 p.m. at Mashpee-Wakeby Pond. Ms. Faulkner indicated the vendor, Clambakes, Etc. has a certificate of liability insurance, a food establishment license and Serve Safe Certification. It is anticipated that 22 guests would be attending the event.

The application was approved by various Town departments with the following requirements;
Fire Department – Requirement to obtain propane permit for one year,
Board of Health – Stipulation to obtain a temporary food permit or catering license for the event,
Temporary food/catering inspection, portable restrooms to be made available to abate a nuisance, and
Inspections – Requirement to obtain a permit for the tent.

Motion made by Selectman Sherman to approve the Special Events Application of Richard Klein and Karen Faulkner to hold a wedding rehearsal/clambake at Mashpee-Wakeby Pond on September 23, 2016 as referenced.

Motion seconded by Selectman O'Hara.

VOTE: Unanimous. 5-0.

Roll Call Vote:

Selectman Gottlieb, yes	Selectman Cahalane, yes	Selectman O'Hara, yes
Selectman Cotton, yes	Selectman Sherman, yes	Opposed, none

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APPOINTMENTS & HEARINGS

Review and approval of various Special Event Applications: (continued)

RUCK 4 HIT 5K, September 25, 2016, Nicole Spencer:

Nicole Spencer met with the Board of Selectmen to review a Special Events Application proposed to hold a 5k race starting and ending at South Cape Beach on Sunday, September 25, 2016 from 4:00 p.m. to 7:00 p.m. The first annual RUCK 4 HIT 5k is a fundraiser to benefit Heroes in Transition's PTSD Programs.

Stipulations imposed by the following Town departments were considered;

DPW – Recommended that participants use the two portable restrooms provided by the Town at the beach and participants utilize the trash and recycling receptacles provided (only water is proposed; no other food or beverage at the event),

Board of Health – Approved with the confirmation there will be no food at the event and portable restroom facilities are available in the parking lot,

Inspections – Requirement to obtain a permit fee for a tent if one is used and a permit for any road signs that may be installed prior to the event.

Motion made by Selectman Sherman to approve the Special Events Application for the RUCK 4HIT 5K road race on September 25, 2016 at South Cape Beach as referenced.

Motion seconded by Selectman Cotton.

VOTE: Unanimous. 5-0.

Roll Call Vote:

Selectman Gottlieb, yes

Selectman Cahalane, yes

Selectman O'Hara, yes

Selectman Cotton, yes

Selectman Sherman, yes

Opposed, none

Public Hearing: Request for modification of entertainment license, Barnstable Pizza & Pasta Co. Inc., dba Finally Dino's:

The Board of Selectmen acting as the Licensing Authority for the Town of Mashpee opened the Public Hearing to consider a request by Barnstable Pizza & Pasta, Inc. d/b/a Finally Dino's to modify its entertainment license. The hearing notice was read aloud into the record in accordance with posting procedures.

Constantino's Mitrokostas, owner and manager of record was in attendance with his representing counsel Kevin Kirrane to request modification of the subject entertainment license located at 401 Nathan Ellis Highway, Mashpee.

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APPOINTMENTS & HEARINGS

Public Hearing: Request for modification of entertainment license, Barnstable Pizza & Pasta Co. Inc., dba Finally Dino's: (continued)

To address the noise concerns presented by the abutters, Mr. Mitrokostas indicated he would refrain from use of amplifiers, and the Board of Selectmen thus voted to modify the entertainment license of Finally Dino's on July 11, 2016 for non-amplification of music within the outside patio area. It was also noted that Mr. Mitrokostas and Anthony Pizzo met before the Board of Selectmen two weeks ago to review steps to be undertaken for sound management at the subject establishment.

Attorney Kirrane indicated Mr. Mitrokostas has installed an in-house PA system which is controlled from inside the building to cap or limit the amplified music to be played in the outside patio. In addition, Mr. Mitrokostas has installed sound barriers to muffle the noise from the deck area. Therefore, it is requested the Board of Selectmen reinstate the license of Finally Dino's as it was listed previously for the amplification of live music.

Anthony Pizzo owner of Hangar 18 Engineering designed and installed the sound system to control the outdoor noise emanating from the patio. Mr. Pizzo stated he has installed what was previously discussed, the in-house sound system, sound barriers and a sound limiter. Sound proofing has also been installed along the deck rail and a barrier lined with a layer of MLV has been constructed. With these remedies Mr. Pizzo stated in his opinion, the problem has been solved.

Mr. Pizzo indicated the goal was to limit the sound created by live entertainment in the outside patio to 10 decibels or less above the current or future LEQ ambient noise measurements as taken from Sassacus Road.

The Board opened the hearing to solicit comment.

Bucky Hall, a Falmouth resident and Mashpee taxpayer stated he works for Dino as a musician on a monthly basis with his band the Moonlighters. Mr. Hall indicated Mr. Mitrokostas operates a very good business; he runs a tight ship with good employees. Dino's Sports Bar is noted to be a number one entertainment venue in this area. The Moonlighters have no issue with in-house sound amplification and are willing to work with the new system.

Michael Talbot a resident of 3 Pequot Avenue resides in the area of discussion. Mr. Talbot indicated the noise emanating from Dino's has been intolerable for the past three years. Before a license would be issued Mr. Talbot requested to partake in the testing process to ensure this project will work. Mr. Talbot explained there have been no testing levels with neighborhood participation. This would ensure the noise would not be audible to the neighbors.

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APPOINTMENTS & HEARINGS

Public Hearing: Request for modification of entertainment license, Barnstable Pizza & Pasta Co. Inc., dba Finally Dino's: (continued)

Maura White of John Pond Estates spoke about her residence abutting the Barnstable County Fairgrounds. With the fair and annual Pow Wow she endures a great deal lot of outside noise. Ms. White stated that Dino has a family business and he should be treated with respect.

Rich Mason of Cotuit indicated he wrote a letter to *Mashpee Enterprise* regarding three neighbors who have brought this issue to the point of where we are at today. Mr. Mason stated it appears the neighbors are trying to create a system of total silence. Mr. Mason explained this situation seems to be polarizing the community, and this presents an opportunity to find some common ground. This particular issue was noted to have impacted Dino's employees. Mr. Mason indicated three people should not be determining what happens to a lot of other people. It is hopeful the Board of Selectmen would consider the rights of the majority.

Mohican Avenue resident Bobby Giangrasso stated she has tried to manage the noise levels with Mr. Mitrokostas over the years. Ms. Giangrasso stated this is an issue with 15 neighbors, not three. It was the attorney representing Finally Dino's who proposed the loss of amplification on the outside deck. Ms. Giangrasso indicated she is not against Dino's, but is against listening to the loud music for the past five years. Ms. Giangrasso stated the residents cannot enjoy their home decks, back yards or enjoy a quiet time. It is the recommendation of Ms. Giangrasso to go back to what the attorney originally requested no outside amplification.

Duncan Campbell of 4 Mohican Avenue, an abutter to the subject establishment reiterated what has been going on for the last 3 to 4 years. It has been 20 hours per week from Memorial Day to Labor Day and it has interrupted his time. Mr. Campbell indicated he is unsure if the remedies will work. We are just trying to make this more amenable to the neighborhood explained Mr. Campbell.

Douglas Fagan of 212 Wheeler Road conveyed there have been valid points made this evening. If you reside in an entertainment neighborhood, the key is compromise and it is hopeful the neighbors and the Board of Selectmen will seek a reasonable compromise.

Stephen Jarvis a resident of Pequot Avenue stated the neighbors have no objection to the music if the volume was at a satisfactory level. Everyone should understand, the residents live in their homes, and the loud music is not acceptable. Mr. Jarvis recommended having those involved return for the testing review to maintain a decent level.

Michael Talbot also noted the residents put up with a lot of noise, trash, and trucks, but the music is constant and highly disruptive and at the very least the residents need to be assured this is going to work.

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APPOINTMENTS & HEARINGS

Public Hearing: Request for modification of entertainment license, Barnstable Pizza & Pasta Co. Inc., dba Finally Dino's: (continued)

Ms. Giangrasso urged the Board of Selectmen to maintain the proposal suggested by the attorney representing Mr. Mitrokostas to not amplify the music outdoors.

In closing Attorney Kirrane indicated when he was present with his client it was clear as to where the conversation was going. Mr. Kirrane indicated affirmatively that we (attorney and client) volunteered to eliminate the amplification in the outside patio of Finally Dino's to allow an opportunity for Mr. Mitrokostas to take corrective measures before the Board would vote to deny the license. It was disclosed that Mr. Mitrokostas remitted a 3 page email to Michael Talbot; resident of 3 Pequot Avenue on August 10, 2016 regarding a date proposed to test and measure certain levels of amplification, to give the neighbors an opportunity to participate in the process. Mr. Kirrane indicated there was no response to the email and it appeared there was no interest in participating in the testing process. The in-house system was tested with an acoustic drum set, an equivalent of a live band.

Mr. Mitrokostas stated the system was tested utilizing an acoustic trio for approximately ten minutes to ensure the connections worked. There was no amplification. Mr. Mitrokostas indicated he has expended over \$20,000 to rectify this concern. There have been various discussions with the neighbors, and the email of note which did not receive a response. Mr. Mitrokostas stated he has taken every measure to create an environment his neighbors would be happy with and has done the best to fix the sound issue. Mr. Mitrokostas urged the Board to grant him the opportunity to move forward for the remainder of the summer, to let the new system run and to give his establishment the opportunity to show the system is working.

Being no further comment, the Board motioned to close the Public Hearing.

Motion made by Selectman Sherman to close the Public Hearing.

Motion seconded by Selectman Cotton.

VOTE: Unanimous. 5-0.

Roll Call Vote:

Selectman Gottlieb, yes
Selectman Cotton, yes

Selectman Cahalane, yes
Selectman Sherman, yes

Selectman O'Hara, yes
Opposed, none

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APPOINTMENTS & HEARINGS

Public Hearing: Request for modification of entertainment license, Barnstable Pizza & Pasta Co. Inc., dba Finally Dino's: (continued)

It was agreed it is unfortunate this matter has taken so long to rectify. However, it was agreed Mr. Mitrokostas has done an admirable job and deserves the opportunity to give this system a trial. Mr. Mitrokostas is a good businessman within the Mashpee community and his presentation at the last Selectmen's Meeting regarding remediation was deemed impressive. With two weeks remaining in the summer, it was agreed the establishment should have a piloting period.

It was disclosed the Town recently purchased a decibel meter and would be monitoring the site. If there is a first offense, the licensee would be required to lower the music, with a second offense there is no course for the remainder of this calendar year.

Motion made by Selectman Cotton to re-instate the Entertainment License of Barnstable Pizza & Pasta Co., Inc. d/b/a Finally Dino's; LN-2016-0048 Outside Music to include amplification subject to; no increase in the ambient noise, plus or minus 10% measured by the Town of Mashpee at the intersection of Sasacuss Road and Pequot Avenue.

Motion seconded by Selectman Sherman.

VOTE: Unanimous. 5-0.

Roll Call Vote:

Selectman Gottlieb, yes	Selectman Cahalane, yes	Selectman O'Hara, yes
Selectman Cotton, yes	Selectman Sherman, yes	Opposed, none

Mr. Pizzo indicated the ambient noise level is reasonable. However, in his opinion it is critical for the one conducting the measurement to fully understand the process. If there is testing with live bands Mr. Pizzo requested to be in attendance.

Recess: 7:51 p.m. Reconvene: 7:54 p.m.

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Catherine Laurent, DPW Director:

Review and approval of Change Order #3, Route 151 Corridor Engineering Design:

Catherine Laurent, Director of Public Works was in attendance to request the Board support Change Order #3 to the agreement for the engineering design contract for reconstruction and improvements to Route 151. The total amount of the change order is \$236,713.12 to be earmarked for the development of required ROW plans due to anticipated construction impacts which include the structural design of three boardwalks required to cross wetlands, the structural design of seven masonry retaining walls needed as a result of topography and wetlands and additional engineering related to environmental permitting.

Ms. Laurent indicated the Town through the Cape Cod Transportation Improvement Plan is responsible for the project engineering and design. Costs would be assumed through Chapter 90 funding. The Town of Mashpee receives approximately \$600,000 per year in Chapter 90 funding. The balance in this account is approximately \$3 million. With MassDOT approval, the \$9.2 million construction project would be paid through the TIP program.

It was noted the Town approved the conceptual plan for this project at their April 2, 2015 meeting. Plans include the extension of the existing multi-use path located on the north side of Route 151 at the Old Barnstable Road intersection to the Town line, and a 5' sidewalk from Old Barnstable Road to Winslow Drive.

Temporary construction easements are needed from private properties to develop the ROW plans in accordance with MassDOT requirements. The extension on the multi-use path will provide a continuous 10' off-road path from the Town Line to Market Street at Mashpee Commons. The project is currently scheduled for construction in 2020-2021.

Acceptance of this change order will increase the contract to \$578,213.12 for engineering design through 25%. An additional change order will be required for work through 100% of the design/construction plans. Any increase in construction costs would be absorbed by the TIP program.

This project will provide for safe accommodations for pedestrians and recreational bicyclists in multi-neighborhoods adjacent to Route 151, and support the access to all three Mashpee Schools, the Mashpee Public Library, the Mashpee Senior Center, the Boys and Girls Club and numerous businesses.

In addition to promoting public safety, Rodney C. Collins, Town Manager recommended the Board move forward with this change order to accommodate the design requirement of Mass DOT. The project will nearly complete the Mashpee corridor with the exception of access to the Barnstable County Fairgrounds. It was noted there is a delay as the Town of Falmouth is not moving forward with this project at this time.

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Catherine Laurent, DPW Director:

Review and approval of Change Order #3, Route 151 Corridor Engineering Design: (continued)

Motion made by Selectman Sherman to approve Change Order #3 associated to the Route 151 Corridor Engineering Design in the amount of \$236,713.12 as recommended.

Motion seconded by Selectman Cotton.

VOTE: Unanimous. 5-0.

Roll Call Vote:

**Selectman Gottlieb, yes
Selectman Cotton, yes**

**Selectman Cahalane, yes
Selectman Sherman, yes**

**Selectman O'Hara, yes
Opposed, none**

Approval of temporary placement of Election signs and Town Meeting signs:

Correspondence was received from Deborah Dami, the Town Clerk dated August 17, 2016 requesting the Board allow the placement of election signs announcing the September 8, 2016 State Primary and the November 8, 2016 State Election. In addition to the two upcoming elections, the Town will commence its Annual Town Meeting on October 17, 2016.

Catherine Laurent was present to review this matter with members of the Board of Selectmen. Ms. Laurent indicated that it is important to remind residents and voters of the Town of Mashpee of the elections to encourage participation. The election boards are intended to be placed on Town property five days prior to the two elections. The sandwich-board signage would contain the dates, location and hours of operation for the September and November elections. In addition, "Election Day" signs would be placed in the apron areas of the Rotary which would include a "Town Meeting Tonight" sign with the time and place. Two "Early Voting" signs are intended to be placed in front of Town Hall and directly across the street on the lawn of the Archives. Both signs would have an arrow directing voters to the Town Hall building. Signage would also be placed at the Police/Fire complex and in the approach to the Rotary. All signage would be erected a few days in advance of the elections and promptly removed thereafter.

Rodney C. Collins Town Manager recommended the Board approve a "blanket vote" that is acceptable and an open ended authorization for elections and town meetings.

Motion made by Selectman Cotton to approve the Placement of Election Signs as recommended.

Motion seconded by Selectman Sherman.

VOTE: Unanimous. 5-0.

Roll Call Vote:

**Selectman Gottlieb, yes
Selectman Cotton, yes**

**Selectman Cahalane, yes
Selectman Sherman, yes**

**Selectman O'Hara, yes
Opposed, none**

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COMMUNICATIONS & CORRESPONDENCE

Proclamation, Suicide Prevention Week:

The Proclamation naming the week of September 5-11, 2016 as "Suicide Prevention Week" was read aloud into the record.

Motion made by Selectman Cahalane to proclaim the week of September 5 through 11, 2016 as "Suicide Prevention Week" in the Town of Mashpee.

Motion seconded by Selectman Cotton.

VOTE: Unanimous. 5-0.

Roll Call Vote:

Selectman Gottlieb, yes
Selectman Cotton, yes

Selectman Cahalane, yes
Selectman Sherman, yes

Selectman O'Hara, yes
Opposed, none

FY 2018 Budget Schedule:

Rodney C. Collins, Town Manager remitted a budget preparation schedule to all Department Heads in preparation for the upcoming fiscal year 2018 operating budget. The deadline for the submission of all department operating budgets is Friday, September 30, 2016 at 4:00 p.m. Budgets are required to be submitted directly to the Town Manager via email format with attachments, and as in past practice into the MUNIS system. The FY18 budget calendar was outlined in the memorandum from the Town Manager to all Department Heads dated August 15, 2016.

In order to provide essential services it is request all Department Heads submit a budget request based upon mission critical and operational needs. With the reorganization and the creation of the Department of Natural Resources no increases are anticipated to fund new positions.

When asked if there is room for a Department head to present a case for additional resources, Rodney C. Collins, Town Manager indicated he is satisfied that at this time, the Town has met its operational needs. New position requests would be heard by the Town Manager on a case-by-case basis. However, it would be a difficult and high hurdle to overcome in fiscal year 2018.

Selectmen Meeting Schedule, December 2016 through June 2017:

For informational purposes, the Board of Selectmen Meeting Schedule for December 2016 through June 2017 was considered.

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Review of correspondence relative to status of Trust Lands of the Mashpee Wampanoag Tribe:

At the last Selectmen's Meeting it was determined that letters would be sent to the Department of the Interior and to the Mashpee Wampanoag Tribal Council Chairman regarding the status of Tribal properties taken into Trust. Copies of the letters dated August 18, 2016 were disseminated in the Board of Selectmen's informational packet for additional review.

It was disclosed that at this time, the Town of Mashpee is honoring the Memorandum of Understanding (MOU) between the Town and Tribe with respect to public safety.

NEW BUSINESS

Review of Draft #2 of the October 2016 Annual Town Meeting Warrant, to include additional Warrant articles proposed for submission by the Board of Selectmen:

The Board of Selectmen conducted an initial review of Draft #2 of the October 2016 Annual Town Meeting Warrant dated August 18, 2016. Amendments to Draft #1 were identified in the revised document. The Board conducted a review of the warrant. It is the intention of the Board to execute the warrant at their September 11, 2016 meeting.

Proposed articles for the warrant include the appropriation and transfer of revenue available for appropriation to fund the Firefighters Union Contract settlement, the creation of the position of Administrative Secretary within the Recreation Department Kids Klub to be funded under the Enterprise Account. It was noted this position was inadvertently omitted under Article 11 of the May 1, 2000 Annual Town Meeting article which authorized the transfer of various Kids Klub positions to the Town's salary schedule. The third proposed article would raise and appropriate or transfer from available funds the sum of \$200,000 for the purpose of developing the wastewater treatment facility loadings, conceptual design/initial equipment sizing and process selection, the recharge beds conceptual design and initiating the groundwater discharge permit application process and scoping with the Department of Environmental Protection. This is a part of the process to advance the design of the Site 4 property adjacent to the Transfer Station.

It was reported the Wastewater Plan has been considered by the Capital Improvement Program (CIP) Committee. However, a project of this magnitude was deemed too large a task for the CIP. In reviewing soft solutions it was reported that a pilot program using permeable reactive barriers (PRB's) has recently been federally funded. A brief discussion followed with respect to the wastewater project and the aquaculture adaptive management component. It was agreed the Board would further review the shellfish remediation project to obtain full disclosure on this program. It was recommended the Board defer the wastewater appropriation for consideration at the May Town Meeting. The Town at this time is approximately one year behind the five year phase 1 implementation schedule. This matter will be re-visited at the next meeting.

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Review of Draft #2 of the October 2016 Annual Town Meeting Warrant, to include additional Warrant articles proposed for submission by the Board of Selectmen: (continued)

As discussion continued it was noted the town meeting trend has generally appropriated budget and financial matters in May, and non-financial matters unless deemed emergency in nature to the October warrant. This process has allowed the Town of Mashpee to maintain fiscal responsibility.

It was noted this fall, there are numerous financial articles proposed for the warrant. This includes monetary articles presented by the Community Preservation Committee, and the Waterways Commission. The Quashnet School window and door replacement project is deemed an emergency appropriation. If the Town does not move forward with the project it may jeopardize state funding assistance in the MSBA Accelerated Repair program. Due to the time constraints to finalize the warrant it was recommended the Board of Selectmen re-impose some discipline in the future to alter the cycle of matters to be considered for the fall warrant.

It was determined that a representative from the Community Preservation Committee and Habitat for Humanity would meet with the Board of Selectmen at their September 11, 2016 meeting to further review the two Habitat articles proposed for funding.

All other articles were deemed acceptable and would be considered by the Selectmen at their next meeting.

Review and execution of Renewal Agreement between the Town of Mashpee and Mashpee Commons, Limited Partnership for the Treatment and Disposal of Wastewater:

The Board of Selectmen reviewed the Agreement between the Town of Mashpee and Mashpee Commons, LP for the Treatment and Disposal of Wastewater. This is a renewal agreement for the treatment and disposal of municipal wastewater and sewage generated by certain Town owned properties through the contractor's sewage works and wastewater treatment facility.

Motion made by Selectman Cahalane to approve and execute the Renewal Agreement between the Town and Mashpee Commons, LP for the treatment and disposal of wastewater effective July 1, 2016.

Motion seconded by Selectman O'Hara.

VOTE: Unanimous. 5-0.

Roll Call Vote:

**Selectman Gottlieb, yes
Selectman Cotton, yes**

**Selectman Cahalane, yes
Selectman Sherman, yes**

**Selectman O'Hara, yes
Opposed, none**

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Acceptance of resignation from the Community Preservation Committee, Diane Rommelmeyer:

Correspondence was received from Diane Rommelmeyer dated August 9, 2016 resigning from the Community Preservation Committee. Ms. Rommelmeyer was the former Town Accountant for the Town of Mashpee and also served on the Land Bank Committee.

Motion made by Selectman Cahalane to accept the resignation from Diane Rommelmeyer from the Community Preservation Committee with regret, sending a letter to Ms. Rommelmeyer for her dedicated service to the Town of Mashpee.

Motion seconded by Selectman O'Hara.

VOTE: Unanimous. 5-0.

Roll Call Vote:

Selectman Gottlieb, yes	Selectman Cahalane, yes	Selectman O'Hara, yes
Selectman Cotton, yes	Selectman Sherman, yes	Opposed, none

Acceptance of resignation from the Mashpee Economic Development and Industrial Corporation, Theresa "Terrie" M. Cook:

The Selectmen were in receipt of a letter of resignation dated August 8, 2016 from Theresa "Terrie" Cook from her position as an at-large member of the Economic Development and Industrial Corporation (EDIC) effective August 9, 2016. Mrs. Cook previously served on the School Committee, the Board of Selectmen and most recently the Finance Committee.

Motion made by Selectman Cahalane to accept the resignation of Theresa Cook from the EDIC with regret, sending a letter of appreciation to Mrs. Cook for her dedicated service to the Town of Mashpee.

Motion seconded by Selectman O'Hara.

VOTE: Unanimous. 5-0.

Roll Call Vote:

Selectman Gottlieb, yes	Selectman Cahalane, yes	Selectman O'Hara, yes
Selectman Cotton, yes	Selectman Sherman, yes	Opposed, none

Board of Selectmen
Minutes
August 22, 2016

Acceptance of resignation from the Mashpee Cultural Council, Madeleine Walsh:

A letter of resignation was received from Madeleine Walsh dated August 3, 2016 resigning from the Cultural Council at the end of her three-year term on July 8, 2016.

Motion made by Selectman Sherman to accept the resignation from Madeleine Walsh from the Mashpee Cultural Council with regret.

Motion seconded by Selectman O'Hara.

VOTE: Unanimous. 5-0.

Roll Call Vote:

Selectman Gottlieb, yes	Selectman Cahalane, yes	Selectman O'Hara, yes
Selectman Cotton, yes	Selectman Sherman, yes	Opposed, none

Approval of appointment to the Planning and Construction Committee, Thomas J. O'Neill:

A letter of interest dated July 19, 2016 was received from Thomas J. O'Neill to serve on the Planning & Construction Committee. Mr. O'Neill has qualifications, experience and a work history in the field of architecture. Communication was received from Rodney C. Collins; Town Manager dated August 16, 2016 highly recommending Mr. O'Neill's appointment.

Motion made by Selectman Cahalane to appoint Thomas J. O'Neill to the Planning & Construction Committee as recommended.

Motion seconded by Selectman Sherman.

VOTE: Unanimous. 5-0.

Roll Call Vote:

Selectman Gottlieb, yes	Selectman Cahalane, yes	Selectman O'Hara, yes
Selectman Cotton, yes	Selectman Sherman, yes	Opposed, none

Approval of appointment to the Human Services Committee, Ebony Steele:

At their meeting of August 18, 2016, the Human Services Committee voted to recommend the appointment of Ebony Steele to the Human Services Committee. A letter of interest from Ms. Steele dated March 23, 2016 was contained in the Selectmen's informational packet for additional review.

Motion made by Selectman Cahalane to appoint Ebony Steele to the Human Services Committee as recommended.

Motion seconded by Selectman Cotton.

VOTE: Unanimous. 5-0.

Roll Call Vote:

Selectman Gottlieb, yes	Selectman Cahalane, yes	Selectman O'Hara, yes
Selectman Cotton, yes	Selectman Sherman, yes	Opposed, none

Board of Selectmen
Minutes
August 22, 2016

Adjournment:

Motion made by Selectman Sherman to adjourn at 8:44 p.m.

The Board will enter into Executive Session at this time for the purpose of discussing contract negotiations between Town of Mashpee and Mashpee Permanent Fire Fighters Association, IAFF Local 2519, after which, the Board may reconvene in Public Session to vote on this matter.

Motion seconded by Selectman Cotton.

VOTE: Unanimous. 5-0.

Roll Call Vote:

**Selectman Gottlieb, yes
Selectman Cotton, yes**

**Selectman Cahalane, yes
Selectman Sherman, yes**

**Selectman O'Hara, yes
Opposed, none**

Respectfully submitted,

Kathleen M. Soares
Secretary to the Board of Selectmen

Board of Selectmen
Minutes
August 22, 2016

Meeting re-convened: 8:56 p.m.

Update on contract negotiations between Town of Mashpee and Mashpee Permanent Fire Fighters Association, IAFF Local 2519:

Motion made by Selectman O'Hara to ratify the terms of agreement between the Town of Mashpee and the Mashpee Permanent Fire Fighters, IAFF Local 2519 to present to the October 2016 Town Meeting, and authorize the Town Manager to execute the Memorandum of Agreement between the respective parties as presented.

Motion seconded by Selectman Sherman.

VOTE: Unanimous. 5-0.

Roll Call Vote:

Selectman Gottlieb, yes	Selectman Cahalane, yes	Selectman O'Hara, yes
Selectman Cotton, yes	Selectman Sherman, yes	Opposed, none

Adjournment:

Motion made by Selectman Sherman to adjourn at 8:57 p.m.

Motion seconded by Selectman Cotton.

VOTE: Unanimous. 5-0.

Roll Call Vote:

Selectman Gottlieb, yes	Selectman Cahalane, yes	Selectman O'Hara, yes
Selectman Cotton, yes	Selectman Sherman, yes	Opposed, none

Respectfully submitted,

Kathleen M. Soares
Secretary to the Board of Selectmen

Kiwanis

Kiwanis Club of Mashpee, Inc.

www.mashpeekiwanis.org

P.O. Box 334
Mashpee, MA. 02649
mashpeekiwanis@gmail.com

Mashpee Town Manager
Rodney Collins
Mashpee Board of Selectmen
Chairman - Andrew Gottlieb
Mashpee Town Hall
16 Great Neck Rd. North
Mashpee, MA. 02649

August 10, 2016

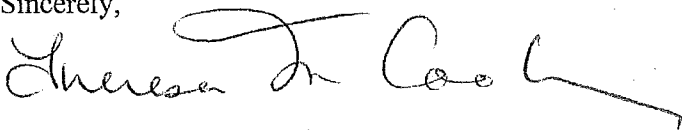
Dear Chairman Gottlieb, Town Manager Rodney Collins and Members of the Mashpee Board of Selectmen:

The Mashpee Kiwanis Club is requesting a One Day License to sell beer and wine at the Town of Mashpee's annual Oktoberfest event scheduled for Saturday, October 1, 2016 (Rain Date Sunday, October 2, 2016) on the Village Green, corner of Steeple St. and Job's Fishing Rd. in Mashpee Commons.

We are asking to be put on a Board of Selectmen's meeting agenda in the near future for this purpose. Attached are the application, and the certificate of insurance (Commercial General Liability including Liquor Liability) listing the Town of Mashpee as the Certificate Holder.

Thank you in advance for your consideration of this matter.

Sincerely,



Theresa "Terrie" M. Cook
Director
Kiwanis Club of Mashpee, Inc.
(774) 487-0033 cell



THE COMMONWEALTH OF MASSACHUSETTS

_____ of _____
APPLICATION FOR LICENSE
 (GENERAL) _____ 19____

No. _____

TO THE LICENSING AUTHORITIES:

The undersigned hereby applies for a License in accordance with the provisions of the Statutes relating thereto
 Kiwanis Club of Mashpee, Inc.

 (Full name of person, firm or corporation making application)

STATE CLEARLY
 PURPOSE FOR
 WHICH LICENSE
 IS REQUESTED

To serve beer and wine at the annual Mashpee Oktoberfest event Saturday October 1, 2016
 (Rain Date Sunday, October 2, 2016)

GIVE LOCATION
 BY STREET
 AND NUMBER

At Village Green, corner of Steeple St and Job's Fishing Rd., Mashpee Commons

in said City of Mashpee
 Town

in accordance with the rules and regulations made under authority of said Statutes.

I certify under the penalties of perjury that I, to my best knowledge and belief, have filed all state tax returns and paid
 all state taxes required under law.

Kiwanis Club of Mashpee, Inc.

 *Signature of Individual
 or Corporate Name (Mandatory)

Theresa M. Cook

Theresa M. Cook - Director

 By: Corporate Officer
 (Mandatory, if Applicable)

65-1296034

 **Social Security # (Voluntary)
 or Federal Identification Number

* This license will not be issued unless this certification clause is signed by the applicant.

** Your social security number will be furnished to the Massachusetts Department of Revenue to determine whether you
 have met tax filing or tax payment obligations. Licensees who fail to correct their non-filing or delinquency will be subject to
 license suspension or revocation. This request is made under the authority of Mass. G.L. c. 62C s. 49A.

Received _____ 19____

Hour A.M. _____


P.M. _____

Approved _____ 19____

 Signature of Applicant

 Address

Licence Granted _____ 19____

FORM 460  HOBBS & WARREN™



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
08/10/2016

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Hylant Group Inc-Indianapolis 301 Pennsylvania Parkway, #201 Indianapolis IN 46280	CONTACT NAME: Lisa Christenson	
	PHONE (A/C, No, Ext): 317-817-5172	FAX (A/C, No): 317-817-5151
	E-MAIL ADDRESS: kiwaniscert@hylant.com	
INSURED KIWAN03 Kiwanis International, All Clubs and Their Members Insured Local Club: Kiwanis Club of Mashpee, Inc (attn: Theresa Cook) PO Box 334 Mashpee, MA. 02649	INSURER(S) AFFORDING COVERAGE	
	INSURER A: Lexington Insurance Company	
	INSURER B:	
	INSURER C:	
	INSURER D:	
	INSURER E:	
	INSURER F:	

COVERAGES**CERTIFICATE NUMBER:** 1281222214**REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR <input checked="" type="checkbox"/> Liquor Liability GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PROJECT <input type="checkbox"/> LOC			013136005	11/1/2015	11/1/2016	EACH OCCURRENCE	\$2,000,000
							DAMAGE TO RENTED PREMISES (Ea occurrence)	\$500,000
							MED EXP (Any one person)	\$5,000
							PERSONAL & ADV INJURY	\$2,000,000
							GENERAL AGGREGATE	\$2,000,000
							PRODUCTS - COMP/OP AGG	\$2,000,000
							Liquor Liability	\$1,000,000
A	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS			013136005	11/1/2015	11/1/2016	COMBINED SINGLE LIMIT (Ea accident)	\$1,000,000
							BODILY INJURY (Per person)	\$
							BODILY INJURY (Per accident)	\$
							PROPERTY DAMAGE (Per accident)	\$
							Aggregate	\$3,000,000
	UMBRELLA LIAB <input type="checkbox"/> EXCESS LIAB DED <input type="checkbox"/> RETENTION \$						EACH OCCURRENCE	\$
							AGGREGATE	\$
								\$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below Y/N <input type="checkbox"/> N/A						WC STATUTORY LIMITS	OTH-ER
							E.L. EACH ACCIDENT	\$
							E.L. DISEASE - EA EMPLOYEE	\$
							E.L. DISEASE - POLICY LIMIT	\$
A	Self-Insured Retention			013136005	11/1/2015	11/1/2016	All Claims	\$75,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)

One day event - annual Town of Mashpee Oktoberfest.
The Kiwanis Club of Mashpee will be serving pre-made chowder and selling beer and wine.
Date: October 1, 2016 (Rain Date: October 2, 2016)

CERTIFICATE HOLDER**CANCELLATION**

Town of Mashpee
16 Great Neck Rd. North
Mashpee, MA. 02649

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

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TEMPORARY SIGN PERMIT TOWN OF MASHPEE APPLICATION

Date 9/1/2016

Permit No. _____

PLEASE PRINT LEGIBLY

Name of Applicant: MARY K. BRADBURY Telephone: 508-539-1416

Name of Event: OCTOBER FEST (proposed date for placement 9/21)

Date(s) of the Event: 10/1/16 Date to be Removed: 10/3/16
(rain date 10/2/16)

Dimensions of Sign(s): Length _____ Width _____ Height _____ Area _____
* see attached

Number and Location(s) of Sign(s):
4 signs - 2 larger signs (Rotary Area - New Seabury)
2 smaller signs (Real Estate Office - Sotheby's)
(Steamship Authority)
(Dino's / Polar Cave)
Rte 151 Rte 28

I declare under the penalties of perjury that the statements herein contained are true and correct to the best of my knowledge and belief. I hereby declare that I have read the requirements for the installation of a Temporary Sign and will abide by said regulations and will remove said sign(s) by the time frame approved, and thus hereby signed under the pains and penalties of perjury.

Applicant's Signature Mary K. Bradbury Date 9/1/16

Town Manager Approval _____ Date _____

Board of Selectmen Review

Date of Meeting: _____

CIRCLE ONE

APPROVED

DISAPPROVED

**MASHPEE
COMMONS
VILLAGE GREEN**

**OCTOBER 1ST
10 AM - 4 PM**

OCTOBERFEST

WWW.MASHPPEEMA.GOV

RAIN DATE - OCTOBER 2nd

$$2 @ 6' \times 3' = 18 \#$$

$$2 @ 4' \times 2\frac{1}{2}' = 10 \#$$



TEMPORARY SIGN PERMIT TOWN OF MASHPEE APPLICATION

Date September 1, 2016

Permit No. _____

PLEASE PRINT LEGIBLY

Name of Applicant: Deborah Dami, Mashpee Town Clerk Telephone: 508-776-6349

Name of Event: Mashpee PetFest

Date(s) of the Event: October 15, 2016 Date to be removed: October 15, 2016

Dimensions of Sign(s): Length _____ Width _____ Height _____ Area _____

Number and Location(s) of Sign(s):

The front of Town Hall on Great Neck Road North and at the entrance of Town Hall on Route 150

Sandwich Boards will reflect PetFest and 6 square foot signs that reflect rabies clinic.

I declare under the penalties of perjury that the statements herein contained are true and correct to the best of my knowledge and belief. I hereby declare that I have read the requirements for the installation of a Temporary Sign and will abide by said regulations and will remove said sign(s) by the time frame approved, and thus hereby signed under the pains and penalties of perjury.

Applicant's Signature Deborah Dami Date September 1, 2016

Town Manager Approval _____ Date _____

Board of Selectmen Review

Date of Meeting: _____

CIRCLE ONE

APPROVED

DISAPPROVED




Town of Mashpee

Town Clerk

16 Great Neck Road North
Mashpee MA 02649
Phone # 508-539-1418
Fax # 508-539-1142
e-mail address townclerk@mashpeema.gov

To: Board of Selectmen
Rodney Collins, Town Manager

From: Deborah F. Damico 
Town Clerk

Date: August 31, 2016

Re: Third Annual PetFest

RECEIVED
2016 AUG 31 PM 4: 27
OFFICE OF SELECTMEN
TOWN OF MASHPEE

I would like to request permission to post signs at the entrance to Town Hall on Great Neck Road North and Main Street on Saturday, October 15, 2016 for the third annual PetFest. PetFest will take place at the rear of Town Hall from 11 am to 3 pm.

Dr. Mark Oldham is holding a rabies clinic from 11:00 am to 2:00 pm and the Town Clerk's Office will be available to license dogs.

I have reached out to the Barnstable County Sherriff's Department and the Mashpee Police and Fire Department to give K9 demonstrations. A blessing of the animals will be given at 12:00 noon by Deacon Pierce of Christ the King Church. There will be a DJ for entertainment as well as food and pet vendors.



Town of Mashpee

16 Great Neck Road North
Mashpee, Massachusetts 02649

Conservation Commission

DATE: August 26, 2016
TO: Mashpee Board of Selectmen
FROM: Drew McManus, Mashpee Conservation Agent
RE: Amendments to Section 5 New Seabury Conservation Restriction

DESCRIPTION: The following amendments to an existing conservation restriction on lands within the Section 5 Area of New Seabury (tennis club and driving range area) were endorsed unanimously by the Conservation Commission on February 25, 2016: *Removal of the existing restriction on 43,310 square feet of land and placing the same restriction on nearby areas for a net total of 52,665 square feet of land, resulting in an additional 9,300 square feet of land under the provisions of the same restriction.* This conservation restriction is held by Orenda Wildlife Trust, a private local land Trust

BACKGROUND: New Seabury was required to set aside some conservation restriction lands in their Section 5 development area as per permit conditions from the Cape Cod Commission. John Fallaci (New Seabury Development LLC) can provide additional details as to the Cape Cod Commission permit requirements and background involved with this conservation restriction.

RECOMMENDATION: The Mashpee Conservation Commission officially endorsed this CR and amendment thereof as the parcels are located in Mashpee. The commission recommends endorsement by the Board of Selectmen.

PROS: The original layout of this CR involved highly fragmented areas within Section 5 of New Seabury, with little to no connectivity between them. The amended request to reconsolidate these parcels, based on development plan changes for Section 5, resulted in more connectivity of lands as well as an increase in overall square footage.

CONS: The CR lands are not directly connected to any other nearby open space or conservation lands

REFERENCE: Plan of record created by BSC Group on behalf of New Seabury Properties LLC. Plan dated 1/22/16.

Drew McManus
Mashpee Conservation Agent



Town of Mashpee

16 Great Neck Road North
Mashpee, Massachusetts 02649

Conservation Commission

2/29/16

TO: John Falacci (Bayswater New Seabury Development LLC)
FROM: Drew McManus (Mashpee Conservation Agent)
RE: Amendments to Section 5 New Seabury Conservation Restriction

Hello John,

This letter serves to notify all associated parties that the Mashpee Conservation Commission voted unanimously to endorse the amendments to the Section 5 New Seabury Conservation Restriction at its February 25th meeting. Specifically, the amendment involves the removal of the existing restriction on 43,310 square feet of land and placing the same restriction on nearby areas for a net total of 52,665 square feet of land resulting in an additional 9,300 square feet of land under the provisions of the same restriction.

Reference: Plan of record created by BSC Group on behalf of New Seabury Properties LLC.
Plan dated 1/22/16.

Sincerely,

Drew McManus

Mashpee Conservation Agent

508-539-1400 X8539

amcmanus@mashpeema.gov

RECEIVED
2016 FEB 29 AM 9:21
OFFICE OF THE TOWN CLERK
TOWN OF MASHPEE

Christine Willander

From: John Falacci <jfalacci@newseabury.com>
Sent: Friday, January 22, 2016 2:47 PM
To: Tom F. Fudala; Christine Willander
Cc: John Falacci; 'Crispin, David J.' (dcrispin@bscgroup.com); Rob Mills (rmills@wynnandwynn.com); Joe Colasuonno
Subject: Conservation Restriction Area Exchange
Attachments: 2016-01-22 DRAFT Revising Conservation Restrictions 5 and 10 color.pdf

Hi Christine,

Attached is our plan showing the proposed exchange of Conservation Restriction Areas. Please review and let us know if there are any questions.

Our attorney Rob Mills said that we would need the Selectman to approve the exchange at one of their regularly publicized meetings with the proposal listed on the agenda. He said that the exchange does not require notices to abutters.

We would like to be scheduled on the next available meeting. Please let us know what that date is.

Your assistance to this request is most appreciated.

Regards,

John Muir Falacci, Project Manager
Bayswater Development, LLC
20 Red Brook Rd.
Mashpee MA 02649

Direct Line 1-(508)-539-8225

Fax# 1-(508)-477-7455



December 16, 2015

Bayswater New Seabury Development LLC
New Seabury on Cape Cod
20 Red Brook Road
Mashpee, MA 02649
Attn: John Falacci

803 Summer Street
Boston, MA 02127

Tel: 617-896-4300
800-288-8123

www.bscgroup.com

RE: Section 5 New Seabury Conservation Restriction

Dear John:

This memo was prepared in response to the November 12, 2015 memorandum from Orenda Wildlife Trust.

The proposal involves the removal of the existing (or proposed) restriction on 43,310 square feet of land and placing the same restriction on nearby areas for a net total of 52,665 square feet of land resulting in an additional 9,300 s.f. (1/4 acre) of land under the provisions of the same restriction. The areas to be modified are shown on the attached plan of land.

- 1) The Cape Cod Commission has been previously contacted on this matter.
- 2) Requested information:
 - a) **What New Development is Being Proposed?**
 - The proposed development is in the community amenities area of the site including tennis area, pools and fitness center as well as a sizable buffer from South Great Road. The development of the Amenities Center, shown in concept below, is considered more compact and less fragmented if the conservation restriction is modified as proposed here in. The proposed Amenities Center is located around the existing tennis courts and is expected to include a new fitness center, pools, exterior ball courts, a children's center, the relocation of the two existing 5,000 square foot maintenance and office buildings (that are presently located in Section 5), a tennis pro shop, parking and similar amenities.



Engineers

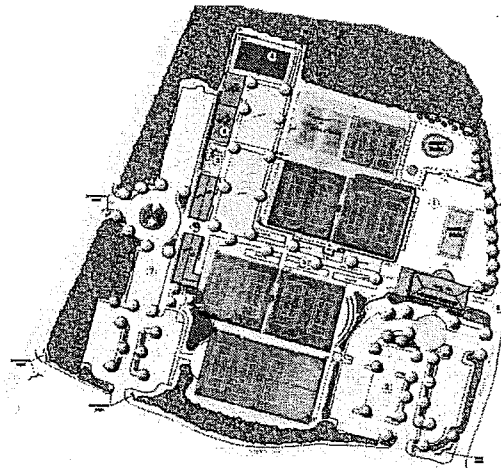
Environmental
Scientists

Custom Software
Developers

Landscape
Architects

Planners

Surveyors



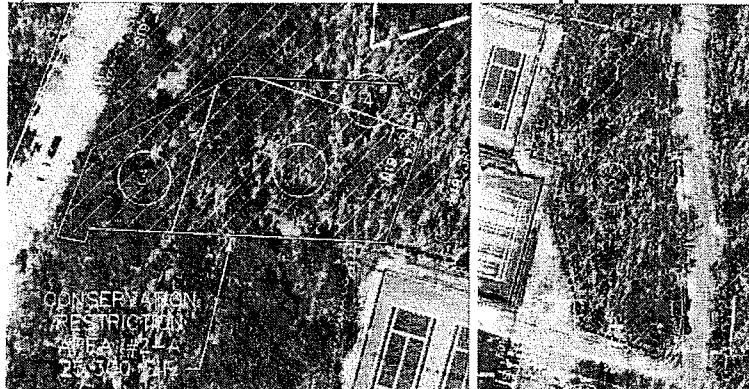
TENNIS COMPLEX REDEVELOPMENT - CONCEPT MASTER PLAN
New Seabury MA

Conceptual Site Plan

- At the present time, the project proponent is not close to applying for a building permit for construction of its 169th dwelling unit (the condition subsequent in the Conservation Restriction that triggers placement of a conservation restriction on 25,300 sq. ft. of additional designated land). Section II-J of the Conservation Restriction provides authority for amendment of the Conservation Restriction. Any amendment will preserve and ratify any conditions and obligations contained in the Conservation Restriction. Thus, the Conservation Restriction may be amended at this time given the proposed net increase of Conservation Values.

b) Fragmentation. The placement of areas #5 and #6 under permanent conservation restriction reduces fragmentation of the restricted areas by providing wider natural bands connecting to surrounding restricted areas and a larger center of mass of the restricted area. Thus fragmentation is reduced.

c) What is the Character of the Land to be Swapped?



Areas #1 and #2 are to be removed from conservation restriction and are currently



wooded as shown above. The area shown above as #1, #3 and #4 is a future conservation restriction area 2A which would be triggered prior to New Seabury Properties' application for a building permit for the 169th residential dwelling unit in Section 5. Area #2 is a narrow 60 to 80 feet wide, fingerlike projection surrounded on three sides by tennis courts and access driveways, this condition is not considered to provide for a high-value for wildlife habitat or migration particularly considering the area is directly adjacent to the populated and active tennis courts.



Areas 5 & 6 to be placed under conservation restriction are both wooded as shown above. Both areas abut open field areas that experience low intensity human activity which adds to the wildlife value of the two areas.

d) Increase in Conservation Values. "Conservation Values" are defined in the restriction document as "significant open, natural, scenic and historic values". Based on this, the following comments are offered.

Open Value,

- The proposed modifications increase the restricted area by 9,300 square feet thus increasing the open area and increasing the open value.

Natural Value,

- Area #5 widens the preserved area to a contiguous greenway with a width of approximately 150 feet. Without this change, the restriction area width could be as narrow as 25 feet, thus the proposal permanently increases the capacity of the corridor for wildlife migration.
- Likewise area #6 widens the preserved area to a contiguous greenway with a width of approximately 140 feet. Without this change, the current restricted area is as narrow as 40 feet, thus permanently increasing the capacity of the corridor for wildlife migration.

Scenic Value,

- Area #5 widens the restricted area to a width of approximately 150



feet. Without this change, the restricted area width could be as narrow as 25 feet, thus providing little screening of commercial area when viewed from the driving range side and vis-a-versa. The additional width increases the natural screening

- Area #6 widens the preserved area to a width of approximately 140 feet. Without this change, the current restriction area is as narrow as 40 feet, and if cleared, the limit of the conservation restriction would allow visibility through to and from the driving range. Thus, the modification increases the natural screening of the driving range when viewed from Rock Landing Road and of Rock Landing Road when viewed from the driving range, thus increasing the screening (scenic) value of this area.

And,

Historic Value,

- No historic values per se have been identified within the areas of conservation restriction proposed for amendment. (The Toft Lot was protected for historic values.)

e) Conditions of Paragraph J

1) The minimum land area is proposed.

- The proposed modifications increase the restricted area by 9,300 square feet thus increasing the restricted area.

Area		Area to be removed			Area to be Added	
ID #		from Conservation Restriction (sf)			to Conservation Restriction (sf)	
1		16,200				
2		27,110				
3					6,750	
4					2,000	
5					19,530	
6					24,375	
Total		43,310			52,655	



Net					+ 9,345	
-----	--	--	--	--	---------	--

2) Mitigation measures are more advantageous to the conservation cause.

- The increase of $\frac{1}{4}$ acre of additional Conservation Restriction is considered more advantageous to the conservation cause because significantly more land area is placed under restriction.

3) Net gain in conservation values.

- There is a net gain conservation values as discussed above.

4) Cash value associated with the proposed amendment.

- There is no cash value associated with the proposed amendment.

3) The limits of the proposed swap will be flagged prior to any site viewing.

4, 5, 6, 7, 8 and 9) No comment required.

Please do not hesitate to contact our office with any inquiries you may have.

Very truly yours,

Sincerely,
BSC GROUP, INC.

David J. Crispin PE, PLS
Sr. Associate

Christine Willander

From: John Falacci <jfalacci@newseabury.com>
Sent: Thursday, January 14, 2016 1:38 PM
To: Christine Willander
Cc: John Falacci; Rodney C. Collins; Andrew McManus; Tom F. Fudala; Rob Mills (rmills@wynnandwynn.com)
Subject: Conservation Restriction Ammendment
Attachments: NS cr summary responce 12-16-15 .pdf; NS CON COM RESTRICTIONS 12-15-15-Plan.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Christine Willander,

Thank you for meeting with us today. As discussed I have attached our proposal to amend our Conservation Restriction held by the Orenda Wildlife Land Trust. We are looking to exchange/ swap two small Conservation Restriction Areas.

The amendment process requires approval from Orenda Wildlife Land Trust, Cape Cod Commission, Commonwealth of Massachusetts and the town of Mashpee.

We have received positive responses from both the Orenda Wildlife Land Trust and the Cape Cod Commission. Once we have formalized the amendment agreement with Orenda we would respectfully request the Town Selectman to endorse it. We are willing to meet with the Selectmen if a presentation is needed. We have also met with Conservation and Planning Dept staff in case the Selectmen would like their input.

Please advise if there are any comments or questions, and I will forward amendment agreement once it has been prepared.

Regards,

John Muir Falacci, Project Manager
Bayswater Development, LLC
20 Red Brook Rd.
Mashpee MA 02649

Direct Line 1-(508)-539-8225

Fax# 1-(508)-477-7455

December 16, 2015

Bayswater New Seabury Development LLC
New Seabury on Cape Cod
20 Red Brook Road
Mashpee, MA 02649
Attn: John Falacci

RE: Section 5 New Seabury Conservation Restriction

Dear John:

This memo was prepared in response to the November 12, 2015 memorandum from Orenda Wildlife Trust.

The proposal involves the removal of the existing (or proposed) restriction on 43,310 square feet of land and placing the same restriction on nearby areas for a net total of 52,665 square feet of land resulting in an additional 9,300 s.f. (1/4 acre) of land under the provisions of the same restriction. The areas to be modified are shown on the attached plan of land.

- 1) The Cape Cod Commission has been previously contacted on this matter.
- 2) Requested information:
 - a) **What New Development is Being Proposed?**
 - The proposed development is in the community amenities area of the site including tennis area, pools and fitness center as well as a sizable buffer from South Great Road. The development of the Amenities Center, shown in concept below, is considered more compact and less fragmented if the conservation restriction is modified as proposed here in. The proposed Amenities Center is located around the existing tennis courts and is expected to include a new fitness center, pools, exterior ball courts, a children's center, the relocation of the two existing 5,000 square foot maintenance and office buildings (that are presently located in Section 5), a tennis pro shop, parking and similar amenities.

803 Summer Street
Boston, MA 02127

Tel: 617-896-4300
800-288-8123

www.bscgroup.com



Engineers

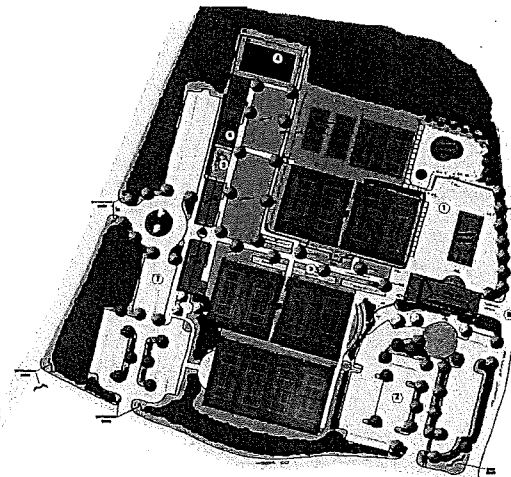
Environmental
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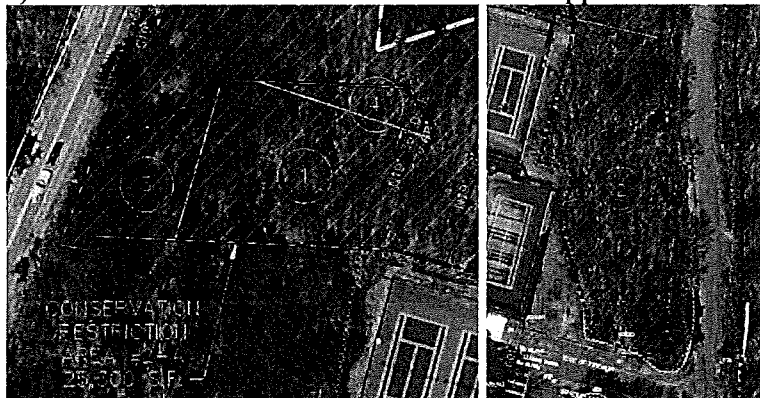
TENNIS COMPLEX REDEVELOPMENT - CONCEPT MASTER PLAN
New Seabury MA

Conceptual Site Plan

- At the present time, the project proponent is not close to applying for a building permit for construction of its 169th dwelling unit (the condition subsequent in the Conservation Restriction that triggers placement of a conservation restriction on 25,300 sq. ft. of additional designated land). Section II-J of the Conservation Restriction provides authority for amendment of the Conservation Restriction. Any amendment will preserve and ratify any conditions and obligations contained in the Conservation Restriction. Thus, the Conservation Restriction may be amended at this time given the proposed net increase of Conservation Values.

b) Fragmentation. The placement of areas #5 and #6 under permanent conservation restriction reduces fragmentation of the restricted areas by providing wider natural bands connecting to surrounding restricted areas and a larger center of mass of the restricted area. Thus fragmentation is reduced.

c) What is the Character of the Land to be Swapped?



Areas #1 and #2 are to be removed from conservation restriction and are currently



wooded as shown above. The area shown above as #1, #3 and #4 is a future conservation restriction area 2A which would be triggered prior to New Seabury Properties' application for a building permit for the 169th residential dwelling unit in Section 5. Area #2 is a narrow 60 to 80 feet wide, fingerlike projection surrounded on three sides by tennis courts and access driveways, this condition is not considered to provide for a high-value for wildlife habitat or migration particularly considering the area is directly adjacent to the populated and active tennis courts.



Areas 5 & 6 to be placed under conservation restriction are both wooded as shown above. Both areas abut open field areas that experience low intensity human activity which adds to the wildlife value of the two areas.

d) Increase in Conservation Values. "Conservation Values" are defined in the restriction document as "significant open, natural, scenic and historic values". Based on this, the following comments are offered.

Open Value,

- The proposed modifications increase the restricted area by 9,300 square feet thus increasing the open area and increasing the open value.

Natural Value,

- Area #5 widens the preserved area to a contiguous greenway with a width of approximately 150 feet. Without this change, the restriction area width could be as narrow as 25 feet, thus the proposal permanently increases the capacity of the corridor for wildlife migration.
- Likewise area #6 widens the preserved area to a contiguous greenway with a width of approximately 140 feet. Without this change, the current restricted area is as narrow as 40 feet, thus permanently increasing the capacity of the corridor for wildlife migration.

Scenic Value,

- Area #5 widens the restricted area to a width of approximately 150



feet. Without this change, the restricted area width could be as narrow as 25 feet, thus providing little screening of commercial area when viewed from the driving range side and vis-a-versa. The additional width increases the natural screening

- Area #6 widens the preserved area to a width of approximately 140 feet. Without this change, the current restriction area is as narrow as 40 feet, and if cleared, the limit of the conservation restriction would allow visibility through to and from the driving range. Thus, the modification increases the natural screening of the driving range when viewed from Rock Landing Road and of Rock Landing Road when viewed from the driving range, thus increasing the screening (scenic) value of this area.

And,

Historic Value,

- No historic values per se have been identified within the areas of conservation restriction proposed for amendment. (The Toft Lot was protected for historic values.)

e) Conditions of Paragraph J

1) The minimum land area is proposed.

- The proposed modifications increase the restricted area by 9,300 square feet thus increasing the restricted area.

Area		Area to be removed			Area to be Added	
ID #		from Conservation			to Conservation	
		Restriction (sf)			Restriction (sf)	
1		16,200				
2		27,110				
3					6,750	
4					2,000	
5					19,530	
6					24,375	
Total		43,310			52,655	



Net					+ 9,345	
-----	--	--	--	--	---------	--

2) Mitigation measures are more advantageous to the conservation cause.

- The increase of $\frac{1}{4}$ acre of additional Conservation Restriction is considered more advantageous to the conservation cause because significantly more land area is placed under restriction.

3) Net gain in conservation values.

- There is a net gain conservation values as discussed above.

4) Cash value associated with the proposed amendment.

- There is no cash value associated with the proposed amendment.

3) The limits of the proposed swap will be flagged prior to any site viewing.

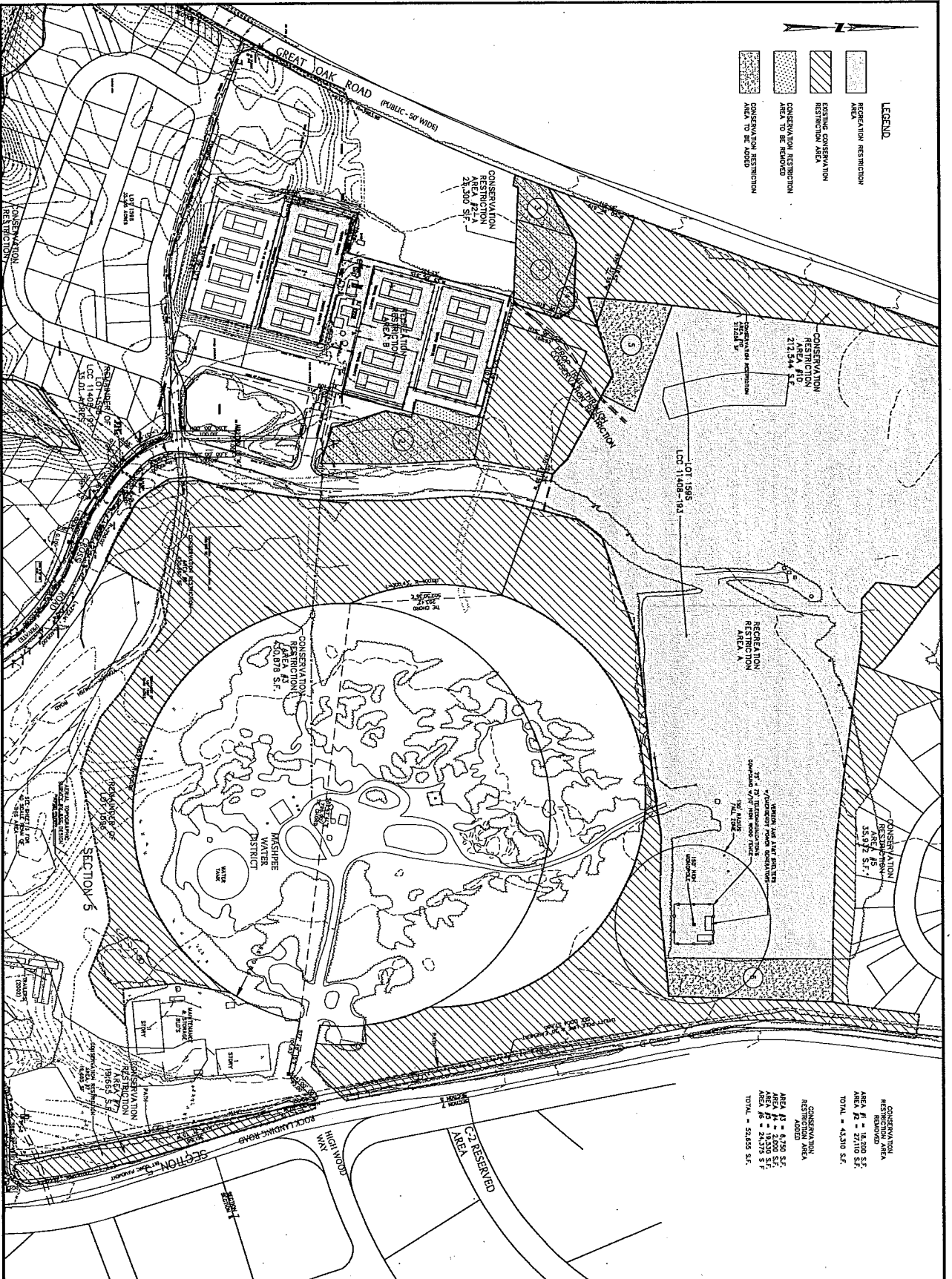
4, 5, 6, 7, 8 and 9) No comment required.

Please do not hesitate to contact our office with any inquiries you may have.

Very truly yours,

Sincerely,
BSC GROUP, INC.

David J. Crispin PE, PLS
Sr. Associate



CONSERVATION RESTRICTION AREA TO BE REMOVED
 AREA #1 = 16,200 S.F.
 AREA #2 = 27,110 S.F.
 TOTAL = 43,310 S.F.

CONSERVATION RESTRICTION AREA TO BE ADDED
 AREA #3 = 6,750 S.F.
 AREA #4 = 15,200 S.F.
 AREA #5 = 24,375 S.F.
 TOTAL = 52,655 S.F.

DRAWN BY: DAVID A. GRIFFIN
 CHECKED BY: JAMES W. SUTTON
 DATE: 12/15/14

THE COTTAGES AT NEW SEABURY OFF CROSS ROAD IN MASSACHUSETTS (BRANSTABLE COUNTY) CONSERVATION RESTRICTION PLAN DECEMBER 15, 2014

MASSACHUSETTS
 (BRANSTABLE COUNTY)
 CONSERVATION
 RESTRICTION PLAN
 DECEMBER 15, 2014

REVISION	DATE	BY
1	12/15/14	DAG

OWNED BY:
 NEW SEABURY PROPERTIES LLC
 20 RED BROOK ROAD
 MASSACHUSETTS 02549
 ATTORNEY:
 BAYSTATE DEVELOPMENT LLC
 20 RED BROOK ROAD
 MASSACHUSETTS 02549

BSC GROUP
 15 EIGHT STREET
 02127
 617-896-4300

SCALE: 1" = 60'
 0 20 40 60 80 100
 FILE: P:\443102\A\443102-05.dwg
 DATE: 12/15/14
 JOB NO: 443102 SHEET: 05

MEMORANDUM

TO: Andrew R. Gottlieb, Chairman
and Honorable Members of the Board of Selectmen

FROM: Rodney C. Collins, Town Manager

DATE: August 3, 2016

RE: **Conditions & Operating Policies for the Operation of a Communications Center
for the Town of Mashpee by the Barnstable County Sheriff's Office**

Description: Summary of objective or issue to be decided.
Contract renewal of dispatch services for Mashpee Fire Department.

Background: Brief history of the issue, including controversial elements, if any.
Staff recently discovered that contract status was expired. After it was brought to my attention, inquired with Deputy Fire Chief, as Chief was on leave. Deputy Fire Chief informed me that Sheriff's Department was no longer processing contracts or Memorandums of Understanding (MOU's) for dispatch services. I requested a written proposal so that terms and conditions of services rendered and standards had clarity. Deputy Chief stated that Sheriff's Department had no problems providing a contract for services.

Recommendation: Reason or rational for the recommended action. Where alternatives exist, recommend specific option if confident in doing so, or explain why not.
Proposed contract was prepared and submitted for renewal. Assistant Manager compared to previous contract and there are no substantial modifications. This draft contract will provide specific guidelines and operational parameters and cost for one year of service, retroactive to July 1st.

Pros and Cons: If action is recommended, taken or declined, articulate the "after effect" or end result of said action, in your professional opinion.
Contract is strongly recommended so that established costs are known and terms and conditions are articulated.

**Conditions and Operating Policies for the
Operation of a Communications Center
for the Town of Mashpee
by the Barnstable County Sheriff's Office**

The intent of this agreement is to describe the mutual responsibilities of the Barnstable County Sheriff's Department and the Town of Mashpee in the cooperative operation of a primary fire department dispatch system. This agreement shall cover the period from July 1, 2016 through June 30, 2017, and may self-renew on an annual basis unless cancelled by either party after the initial three-year term. Each year the parties shall agree to a new annual fee for fire dispatch and CMED and update the attached fee addendum.

The policies and procedures regarding the operation and administration of the Sheriff's Communications Center is the responsibility of the Sheriff. With regard to all other policies and procedures concerning public safety within the Town of Mashpee, they are the responsibilities of the Town of Mashpee.

The Primary Answering Point and Radio Dispatch System is to be operated by the Sheriff. All Mashpee Fire Department 911 emergency calls will be answered by the Mashpee Primary PSAP located at the Sheriff's Department Communications Center, as well as the seven digit fire department emergency number, for call processing and dispatching over Mashpee fire frequencies. The Town of Mashpee shall maintain the ability, within the Mashpee Police Department Dispatch Center, to serve as a back-up fire department dispatch system.

The Sheriff is responsible for all operational aspects of the Communications Center, including the answering of emergency telephone traffic and the dispatching of fire apparatus for the Town of Mashpee.

The Dispatch System shall operate in the following manner:

- I. Fire/EMS calls for service are to be answered at the Sheriff's Department Communication Center. The primary responsibility for the operation and procedures used by the Primary PSAP remain with the Sheriff's Department in accordance with the SETB.
- II. Primary responsibility for answering and dispatching for the Mashpee Fire Department placed on the (508) 477-1234 Fire Department seven (7) digit emergency line, lies with the Sheriff's Department Communications Center.

Due to the nature of routing the "477" telephone number to Otis Fire, there is a long distance charge placed on each call. These charges will be billed to the Town of Mashpee, not the Caller, if applicable.

Emergency calls that are received by the Mashpee Police Department for fire or ambulance via telephone or radio, shall be transferred directly to the Barnstable Sheriff's Department Communications Center.

- III. A seven (7) digit, non-published, local (Mashpee) telephone number shall be established for use by fire department personnel for the purpose of recall information, etc. Due to the nature of routing the "local" telephone number to Barnstable, there is a long distance charge placed on each call. These charges will be billed to the Town of Mashpee, not the Caller.
- IV. Radio communications for the Mashpee Fire Department shall be broadcast over the regional 800 radio system and simulcast over 33.68mhz from the main base station located at the Mashpee Police Headquarters by means of remote control circuits. The simulcast equipment shall be the responsibility of the Town of Mashpee".
- V. The Town of Mashpee Fire Department shall be responsible for providing and maintaining a Fire Department Policies and Procedures Manual as it relates to dispatching, call processing and related issues for the Mashpee Fire Department at the Sheriff's Department Communications Center.
- VI. In the event of telephone line failure or technical difficulty (equipment failures, natural disasters, storms, etc.) that render the Sheriff's Department Communications Center unable to provide dispatch services, the Mashpee Fire Department shall assume all responsibilities of fire dispatch for the Town, using in-house resources, at no expense to the Sheriff's Department. Once the problem has been resolved, dispatch operations shall resume at the Sheriff's Department.
- VII. An annual fee to provide the fire dispatch services as outlined in the addendum to this agreement, shall be assessed to the Town of Mashpee. The fee to be paid quarterly, will be in effect on July 1, 2016 to June 30, 2017.

The Duties and Responsibilities of the Sheriff shall include the following:

- 1) Receipt Fire/Rescue related emergency 911 calls from the Primary PSAP and the radio dispatch of same. If it is necessary to provide the caller with pre-arrival instructions, the telecommunicator at the Sheriff's Office will be available to stay on the line with the caller to provide this service.
- 2) Receipt of Fire/Rescue emergency calls on the (508) 477-1234 fire emergency line and the radio dispatch of the same.
- 3) Processing of fire department radio traffic to emergency responses by the Fire Department.
- 4) The "Toning Out" of manpower recall.
- 5) Receipt of non-emergency fire department traffic on an unpublished telephone line for manpower recall, run times, etc., for the purpose of maintaining department operations.

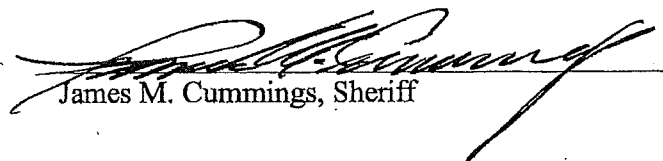
- 6) Monitor the activity of all fire department vehicles.
- 7) Maintain a log of all fire department vehicle activities.
- 8) Monitor and act upon Mutual Aid requests for Town of Mashpee.
- 9) Provide the 1800 radio tone test.
- 10) Notify other public/safety service agencies, utilities (Gas, Power, DNR, etc.), upon request of the Fire Department.
- 11) Monitor and dispatch fire alarms received by telephone, from commercial alarm monitoring firms for properties in the Town of Mashpee. This applies to the testing of all fire alarms. All testing will be performed with the approval and coordination of the Mashpee Fire Department.
- 12) The establishment of a conflict resolution committee. The purpose of the committee is to address and resolve any and all problems or discrepancies that may occur between the Barnstable Sheriff's Department and the Town of Mashpee Fire Department during the scope of this agreement. Each agency is responsible for appointing members to the committee for representation.

This agreement may be canceled for any reason by either party, by providing written notice of not less than 90 days. The Town will reimburse the Barnstable Sheriff's Office for any installation and equipment expenses that were incurred in the implementation of the Primary Answering and Dispatch System at the Sheriff's Office for the Town of Mashpee. Staffing policies, daily operating procedure and administrative management of the Sheriff's Department Communications Center shall be the sole responsibility of the Sheriff and/or his designee.

CMED

Provide a communications link (patch), using the CMED (Centralized Medical Emergency Direction) radio system, for fire department ambulances transporting patients to the hospital.

For the **SHERIFF'S OFFICE**


James M. Cummings, Sheriff

7/25/16
Date

For the **MASHPEE BOARD OF SELECTMEN**

Date

Date

Date

Date:

Date:

ADDENDUM

Fire Dispatch and CMED Services Fee Structure

July 1, 2016 through June 30, 2017

Combined Fee for Fire Dispatch and CMED for Fiscal Year 2017

\$106,665.89 TOTAL



Town of Mashpee

Department of Public Works

350 Meetinghouse Road
Mashpee, Massachusetts 02649
Telephone - (508) 539-1420
Fax - (508) 539-3894

MEMORANDUM

September 8, 2016

TO: Board of Selectmen
Rodney Collins, Town Manager

FROM: Catherine Laurent, Director *CL*

RE: Operation of Mashpee Transfer Station

Description

For the FY18 expense budget, three options have been estimated for operation of the Mashpee Transfer Station – **Option 1** Contractor Operation and Hauling; **Option 2** Town Operation and Contract Hauling; **Option 3** Town Operation and Hauling.

Background

The Town currently contracts out operation of the Mashpee Transfer Station. This operation includes daily staffing of the facility, provision of trailers and hauling of trash, and hauling of recyclables. The Town currently owns the buildings and other site improvements and the recycling compactors/roll-offs. The Town pays all maintenance, trash/recycling tip fees, and other similar costs (hazardous waste, inspections, printing, etc.).

Recommendation

I recommend that the Board of Selectmen consider the Town assuming all or a portion of the operation (Option 2 or 3).

Pros and Cons

Option 1 is the least costly option in the short term (next 3 years). With this option, the Town does not have any direct employee costs (salaries, benefits, worker's comp insurance), equipment repair/replacement costs or fuel costs. The Town also does not have immediate oversight of Transfer Station employees.

Option 2 is the most costly option in the long term (after 3 years). With this option, the Town would hire employees for the daily staffing of the Transfer Station through the DPW. DPW would therefore have direct oversight of the staff, other DPW staff could be re-assigned to cover vacations, and the Transfer Station staff could be reassigned to assist with snow/emergencies. The Town would purchase through a 3 year lease/purchase a front end loader. This loader would be available to assist with snow/emergencies. Hauling of trash and recycling would be contracted.

Rental of 100 CY trailers is proposed though a 3 year lease/purchase could be proposed instead (additional cost for 3 years; replacement cost only in future years).

Option 3 is the most costly option in the short term but is the lowest cost in the long term. With this option, the Town would hire employees for the daily staffing of the Transfer Station through the DPW and would purchase all equipment necessary for trash collection and hauling (loader, trailers, tractor, roll-off truck). The same benefits of having Town staff would apply as Option 2. After initial capital investment, ownership of all equipment would save significantly on hauling costs.

Article 11

To see if the Town will vote to appropriate and transfer from the Community Preservation Affordable Housing Reserve in accordance with the provisions of M.G.L. Chapter 44B, §5, the sum of \$30,000 for the purpose of funding additional construction costs associated with the Habitat for Humanity Affordable Housing projects located at 108 Orchard Road and 132 Quinaquisset Avenue, identified on Map 69, Parcels 18 and 6, including necessary costs and expenses related thereto, as recommended by the Community Preservation Committee, or take any other action relating thereto.

Submitted by the Community Preservation Committee

Explanation: The project would fund additional work associated with the two ongoing Habitat for Humanity affordable housing projects previously funded by the CPC. This is the second round of funding for the projects. Habitat previously requested \$100,000 for this project. The CPA Special Town Meeting in May of 2015 appropriated \$70,000, a construction cost contribution of \$35,000 per home. Additional CPA funding would assist in the completion of the remainder of construction work required to complete the affordable housing projects, which shall be restricted to affordable housing use in perpetuity.

The vote of the Community Preservation Committee was 6-0 in support of this article.

The Board of Selectmen

The Finance Committee recommends Town Meeting approval by a vote of 6-0

CHANGES: Explanation language revised by Town Counsel. FinCom vote added.

Article 12

To see if the Town will vote to appropriate and transfer from the Community Preservation Affordable Housing Reserve in accordance with the provisions of M.G.L., Chapter 44B, §5, the sum of \$10,000 for the purpose of funding the solar panel installation project associated with the Habitat for Humanity Affordable Housing projects located at 108 Orchard Road and 132 Quinaquisset Avenue identified on Map 69, Parcels 18 and 6, including necessary costs and expenses related thereto, as recommended by the Community Preservation Committee, or take any other action relating thereto.

Submitted by the Community Preservation Committee

Explanation: The project would fund additional work associated with two ongoing Habitat for Humanity affordable housing projects previously funded by the CPC. This is a new request for funding. Additional CPA funding in the amount of \$10,000 would assist to "fill the gap" in funding (\$5,000 per home) to complete the solar panel installation project planned on both the Orchard Road and Quinaquisset Avenue homes. Habitat for Humanity has assumed the budget for a 3-

bedroom home solar installation to be approximately \$24,000 per home. With the installer discount, Cape Light Compact funds and a private grant, \$19,000 has been secured for each home.

The vote of the Community Preservation Committee was 4-2 in support of this article.

The Board of Selectmen

The Finance Committee recommends Town Meeting approval by a vote of 5-1

CHANGES: In an email dated 9/8/16, Habitat for Humanity notified this office of its intention to withdraw its application for CPC funding of the Solar Panel Project. FinCom vote added.

Christine Willander

From: Leedara Zola <lzola@habitatcapecod.org>
Sent: Thursday, September 8, 2016 12:28 PM
To: Christine Willander
Cc: Vicki Goldsmith; Warren H Brodie
Subject: FW: Important Request from Mashpee Board of Selectmen/Town Manager

Hi Christine – I will be attending on behalf of Habitat for Monday night Board of Selectmen meeting (9-12).

My understanding is that Habitat's request to CPC has been separated into two applications, one for construction funds (\$30,000) and one for solar panel installation, partial funding (\$10,000).

Of note is that Habitat is withdrawing our application for the \$10,000 in solar panel funding. We are working with another funder, and while we haven't formally received the award, we are confident we have a strong application and the funding available would completely fund the panel installation. We have e-mailed CPC about this as well.

I am assuming that the Board would still want Habitat's presence, as we will still have the \$30,000 request for construction funds for 108 Orchard Road and 132 Quinaquisset Avenue.

Thanks,
leedara

I have signed up for the "Last Gasp" – a 62 miles Sandwich to PTown bike ride, to support Habitat.

If you have already sponsored me, THANK YOU!!!!

If you would like to sponsor me, please go to www.capecodcharitablefundraisers.com/donate.

If you are interested in riding with Team Habitat, we'd love you to join – please give us a call (62 miles isn't as hard as it sounds)!!!!

Habitat for Humanity of Cape Cod: Building Homes, Hope, Lives and Community

|||||

Leedara Zola
Land Acquisition and Permitting
Habitat for Humanity of Cape Cod
lzola@habitatcapecod.org
cell: 508-280-6144

From: Vicki Goldsmith
Sent: Thursday, September 01, 2016 12:53 PM
To: 'Christine Willander'
Subject: RE: Important Request from Mashpee Board of Selectmen/Town Manager

Dear Christine – I am sure we can have someone there that evening at 6:45.
We will confirm next week who that will be. Thank you.

COMMUNITY PRESERVATION COMMITTEE

TUESDAY, APRIL 26, 2016

AGENDA

Convene Meeting: 6:30 p.m. – Mashpee Town Hall – Waquoit Meeting Room

MINUTES

Friday, March 25, 2016 Regular Session

APPOINTMENTS AND HEARINGS

Public Comment

Review of CPA Projects Proposed for October 2016 Town Meeting;

- Catherine Laurent – Director of Public Works:
Mashpee High School Tennis Court Reconstruction Project
K.C. Coombs School Playground Project
Quashnet School Playground Project
- Mashpee Historical Commission:
Mashpee Historic District Signage Project
- Habitat for Humanity of Cape Cod:
Orchard & Quinaquisset Community Housing Project

COMMUNICATIONS & CORRESPONDENCE

OLD BUSINESS

- 1) Approval and Ratification of Invoice(s) for Payment:
Habitat for Humanity - \$31,719.45 (Orchard \$18,948.60/Quinaquisset \$12,770.85)
Habitat for Humanity - \$19,723.15 (Orchard \$10,000/Quinaquisset \$9,723.15)
John's Pond Improvement Project - \$2,912.95
Attaquin Park Playground - \$917.87
Santuit Pond Preserves - \$3,788.26

NEW BUSINESS

- 1) Attaquin Park Playground – Project Closure;
Vote to Return Balance; \$614 to the CPC 10% Open Space/Recreation Reserves
- 2) Discussion relative to the Time of Future Meetings

Community Preservation Committee
Minutes
April 26, 2016

Present: Richard Halpern, Evelyn Buschenfeldt, Ed Larkin, Ralph Shaw,
Mary Waygan, Frank Lord, Carol Sherman

Absent: Diane Rommelmeyer

Meeting Called to Order by Chairman Halpern at 6:30 p.m.
Mashpee Town Hall, Waquoit Meeting Room

MINUTES

Friday, March 25, 2016 Regular Session:

Motion made by Mrs. Sherman to approve the minutes of Friday, March 25, 2016 as presented.

Motion seconded by Mr. Lord.

VOTE: Unanimous. 5-0-1-1.

Roll Call Vote:

Mr. Halpern, yes	Mrs. Buschenfeldt, yes	Mr. Larkin, abstained,
Mr. Shaw, yes	Ms. Waygan, absent for vote	Mr. Lord, yes
Mrs. Sherman, yes	Opposed, none	

APPOINTMENTS AND HEARINGS

Public Comment: None at this time.

Review of CPA Projects Proposed for October 2016 Town Meeting:

Catherine Laurent – Director of Public Works:

Prior to the review of projects proposed for funding at the October 2016 Town Meeting, Catherine Laurent, Director of Public Works updated the Community Preservation Committee on the following active CPA projects.

The Mashpee Archives project is near completion. The Historical Commission has moved back into the newly preserved and renovated building. There is a small punch list of items to complete the project by the end of May. There is a balance of \$1,343.10 to bring forth closure to this project.

It was reported the CPA award of \$17,800 in 2013 for the Boys & Girls Club Outdoor Basketball Court has contributed to the replacement of the court's two backstops and supported some crack filing. However, the project has been inactive, and the \$12,648.84 balance will most likely be returned to the CPC 10% Open Space/Recreation Reserves Account.

Community Preservation Committee
Minutes
April 26, 2016

Review of CPA Projects Proposed for October 2016 Town Meeting:

Catherine Laurent – Director of Public Works: (continued)

It was noted the Community Park project is near completion. There is a balance of \$4,358.88. Available funding will support signage for the rules governing the use of the park and landscaping. The project should be complete by the end of the fiscal year.

The One Room Schoolhouse has an available budget of \$5,818.40. The DPW is planning to assist with the construction to replicate a shed/addition that was once a part of the original schoolhouse structure.

Work is ongoing to complete the John's Pond Improvement project which includes a new parking lot, and the installation of a concrete pad for the picnic pavilion. The new structure will have storage for the Recreation Department and handicap accessible walkways will connect the pavilion to the new playground. The \$93,000 project is anticipated to be finalized by the end of May. It was noted the Girl Scouts conducted a clean-up of the site last week in preparation for the beach season.

Engineering is underway to design the new septic system and related waterline at the Heritage Park recreational facility to allow for the installation of the bathhouse/picnic pavilion. CPA funding has provided support to install a concrete foundation/pad and parking lot lighting at the site location. The facility is currently being stored at the Mashpee High School. With approval of the engineering plans and work, the \$63,000 project is expected to be completed by the end of August.

It is hopeful the May 2016 Town Meeting will support additional funding to the Great River Boat Ramp Improvement project which would allow for the construction of a double wide boat ramp and the construction of a separate kayak launch facility. With funding plans will be finalized and submitted for permitting. It was noted the project requires a new permit application and it is hopeful the project will begin in the fall.

The wooden pier/dock structures at Ockway Bay and Pirates Cove are slated for approval at the May Town Meeting. The Ockway Bay boat ramp is deemed unusable. With CPA funding, the project will move forward quickly targeting a date of mid-June for use. With the completion of the Ockway Bay boat ramp, construction would follow to complete the Edward A. Baker Boat Ramp project at Pirates Cove.

It was reported the Santuit Pond Preserve project is also advancing. The parking lot construction is complete and work is ongoing to place signage and a kiosk at the site location. The old metal storage building will be removed this summer, and AmeriCorps volunteers are scheduled to assist with trail work.

Community Preservation Committee
Minutes
April 26, 2016

Review of CPA Projects Proposed for October 2016 Town Meeting:

Catherine Laurent – Director of Public Works: (continued)

All CPA projects managed by the Department of Public Works are anticipated to be completed this summer with the exception of the Great River Boat Ramp Improvement project.

It was noted the Attaquin Park Playground project, Phase I is deemed complete. The sum of \$614 will be returned to the CPC 10% Open Space/Recreation Reserves Account.

Ms. Laurent reviewed the following projects requested to be considered for funding at the October 2016 Town Meeting;

Mashpee High School Tennis Court Reconstruction Project - \$260,000:

The goal of the Mashpee High School Tennis Court Reconstruction project is to improve the tennis and basketball courts at the Middle/High School. There are six tennis courts and two full-size basketball courts existing at the school. The courts are original to the school's construction in 1996 and they are in dire need of reconstruction. Ms. Laurent indicated the tennis and basketball courts have failed.

In normal process, the project has been included in the Town's Capital Improvement Program (CIP) budget. Due to capital budgetary constraints the project was identified for funding through Community Preservation Act funds.

Ms. Laurent indicated she has discussed this project proposal with Town Counsel. The project is intended to be replaced in its entirety and therefore identified as a permissible project under the guidelines of Community Preservation Act funding.

With funding authorization the project would commence in October weather permitting. Unfavorable weather conditions would delay the project to the summer of 2017 as tennis is considered a spring sport. Some of the work is anticipated to be completed at no additional cost to the Town by the DPW. Contracted services would complete the remainder of the work.

Community Preservation Committee
Minutes
April 26, 2016

Review of CPA Projects Proposed for October 2016 Town Meeting:

Catherine Laurent – Director of Public Works: (continued)

Mashpee High School Tennis Court Reconstruction Project- \$260,000: (continued)

In closing Ms. Laurent indicated the courts are frequently used by the schools. When the courts are not being utilized by the school athletic teams, the courts are open to the public after school hours. The Recreation Department has a very active tennis academy for adults and youth. Local groups also frequent the courts. To schedule exclusive use of the courts, the DPW should be contacted.

K.C. Coombs School Playground Project - \$91,000:

With CPC funding improvements would be made to the K.C. Coombs School playground. The \$100,500 project would provide for nature-themed climbing and balance structures to compliment the other playground equipment at the school. Ms. Laurent explained the proposed playground would is specifically designed for the older students and children at the school.

To offset costs, the DPW would demolish the structure and the PTO would hold fund raisers to support the purchase and installation of a shade structure. The total CPC funding request is \$91,000 for this project.

During the school year children participating in the after school program and adjacent Boys and Girls Club would use the facility. In the summer months, the Mashpee Recreation Department uses the playground in the summer day camp program. The playground is also open to the public and with the existing athletic fields a lot of families tend to use this playground.

The proposed playground equipment will replace a 20 plus year old climbing structure. It was noted the existing structure has broken components that are not to standard code. With the exception of the swings, the entire structure needs to be replaced. Through the competitive bid process an experienced contractor would be hired to complete the project.

Ms. Laurent indicated the Coombs School playground is prioritized as the number one project

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Quashnet School Playground Project - \$230,000:

The goal of this project is to improve the Quashnet School playground with a multi-component structure to provide children with climbing, balancing, sliding and strengthening opportunities. This type of activity is encouraged as there are many non-climbing playgrounds. The project proposes a new rubber mat surfacing to meet the requirements for fall protection. The project is handicap accessible and will promote problem solving and interactive play.

It was noted the Community Preservation Committee previously authorized funding in 2006 in support of the Quashnet School Helping Hands Playground.

Mashpee Historical Commission - Mashpee Historic District Signage Project - \$57,801:

Mashpee Historical Commission members Ava Costello and Nancy Soderberg were in attendance as was Earl Mills, Chair of Historic District Commission and Steven Curly, Archivist from the Mashpee Wampanoag Indian Tribe to review the proposed Historic District signage project with the Community Preservation Committee. Tom Fudala, the Town Planner was also present in support of the project proposal.

The goal of this project is to identify 70 buildings and locations that are historically significant in the Town of Mashpee. With the creation of the Historic District, it is important to provide signage to identify the important historic sites within the district. As a result of many meetings, it was determined there are several sites outside of the historic district that would be appropriate for signage. The proposal would also produce a Mashpee Historic District Walking Tour pamphlet to describe the sites. A map would be displayed at the Community Park for those to learn about the history of the town.

A sample of the historic markers which include a photo or sketch with text and a quote regarding the site was presented to the CPC for review. For safety purposes all signage would be placed on one side of the road. The Historical Commission would work with the DPW to obtain the most favorable display and to be non-obtrusive to snow plowing, and visibility.

A list and timeline of the proposed schedule implementation was included in the project application.

It was noted this concept began with the book written by Earl Mills entitled *The Son of Mashpee*. The book details thirty-eight *Special Places, Mashpee Remembers*.

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Mashpee Historical Commission - Mashpee Historic District Signage Project - \$57,801:

It was recommended the Town Seal and notification of the funding contribution for this project from CPC be incorporated into the signage if this application is supported. It was noted that Town Counsel would be consulted regarding the project and signage placement.

Earl Mills described several sites in the Town of Mashpee that were once used for different purposes. Mr. Mills in strong support of the project indicated the proposal would give charm to the Mashpee community as well as promote educational lessons regarding Mashpee's history. CPC member Frank Lord also indicated the project would promote walking tours, and in the future articles regarding Mashpee's history would be written for the *Mashpee Enterprise* to make this an ongoing story and history lesson. It was noted that Mr. Fudala, the Town Planner assisted in the selection process of areas planned for the placement of historic signage.

At the Town Manager's request, a set of marker signs are recommended to be displayed at the Mashpee Town Hall. It was noted the Tribe would also be a part of the conversation regarding the placement of signage to fulfill this project.

It was recommended that a pamphlet holder be placed at the herring run. This may encourage others to walk in this attractive area. A brief discussion followed with respect to defining Trust lands. The Community Preservation Committee contributed funds in the support of the Old Indian Meetinghouse restoration project. However, it does not appear the building is open to the public. Now that the land is in trust it was asked if taxpayers are able to visit the meetinghouse. This topic has been unclear. Mr. Mills indicated the Tribal Council has yet to say thank you publically to the community for assisting with the funding of the Old Indian Meetinghouse.

Habitat for Humanity of Cape Cod - Orchard & Quinaquisset Community Housing Project - \$40,000:

Leedara Zola was in attendance on behalf of Habitat for Humanity of Cape Cod to discuss their application to request funding for two projects previously funded by CPC. The projects are identified as 108 Orchard Road and 132 Quinaquisset Avenue, Mashpee.

To date Habitat for Humanity has constructed 96 homes on Cape Cod, 16 home in the Town of Mashpee. Currently there are 27 homes in pre-development. This includes the Orchard and Quinaquisset community housing projects which are in the local initiative program (LIP). Habitat has received a total of 28 applications for the two three bedroom homes.

Community Preservation Committee
Minutes
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Habitat for Humanity of Cape Cod - Orchard & Quinaquisset Community Housing Project - \$40,000: (continued)

At the last funding round, the Community Preservation Committee allocated a total of \$70,000 for the two homes, respectively \$35,000 per home. The funding request was \$100,000.

Ms. Zola indicated she is before the CPC to request additional funding; \$40,000 for construction work and solar panels. It was explained that an access road is required to be constructed for 132 Quinaquisset Avenue. The sum of \$30,000 is projected to pave approximately 150' to provide access to this home. The additional monies, \$10,000 would allow for solar panels to be installed at each home.

There was a question with regards to the use of taxpayer funding to pave a private street. The Director of Public Works indicated that it is not permissible to use taxpayer funds to asphalt a road. This is only done through the betterment process and it would set a precedent for other projects.

Mr. Fudala stated that Quinaquisset Road is a paper street and it is a driveway to the house with the Quinaquisset Avenue address. It is the only location for access. It was noted there was a previous decision to change the address of the site location from 68 Strawberry Avenue to 132 Quinaquisset Avenue. The road is currently a dirt road.

CPC member Mary Waygan indicated that accessing the home is an eligible use for affordable housing subsidy to build infrastructure on private roads. Ms. Waygan also indicated while Habitat for Humanity was in the 40B process the Planning Board commented on the project and asked that it should be paved for public safety, plowing and access.

It was also noted the Town gave the property to Habitat for Humanity to create affordable housing. However, the matter of using taxpayer funding to pave a private road was debated.

Ms. Zola indicated that Habitat for Humanity with these projects has had some higher infrastructure costs. She asked if she could amend the application to request additional funding for onsite construction.

The matter of solar and the use to taxpayer funds for this project was also considered. There was a question if there was extra energy production, would the energy go back to the grid or to the Town.

Community Preservation Committee
Minutes
April 26, 2016

Habitat for Humanity of Cape Cod - Orchard & Quinaquisset Community Housing Project - \$40,000: (continued)

Ms. Waygan motioned based on the comments made tonight that Habitat for Humanity is allowed to revise and resubmit the current application and that the application would be considered for this funding round. The motion was seconded by Mrs. Buschenfeldt. As the matter was debated the motion was withdrawn.

CPC member Larkin requested that Habitat justify the increase. It was suggested that Habitat maintain the solar portion of the project in the application and amend the one sentence regarding infrastructure. With regards to solar, Ms. Waygan indicated that at times homeowners can be challenged with utility costs. The solar improvement would reduce the cost to the household. Ms. Waygan in support added that this is the right thing to do as Mashpee is a green community and it would not place additional carbon emissions into the air.

Motion made by Ms. Waygan to accept on page 5 by striking the infrastructure costs and inserting construction and site improvement. This would maintain the \$30,000 in the project budget. The motion was seconded by Mrs. Buschenfeldt. The CPC requested that this expenditure be justified. The motion was therefore withdrawn.

Motion made by Ms. Waygan to accept a revised application from the project proponents of Habitat for Humanity for this funding round, revising the funding request details on page 2 and page 7, and justifying the expenditures.

Motion seconded by Mrs. Buschenfeldt.

VOTE: 6-1. Motion carries.

Roll Call Vote:

Mr. Halpern, no	Mr. Larkin, yes	Mrs. Buschenfeldt, yes
Ms. Waygan, yes	Mr. Lord, yes	Mr. Shaw, yes
Mrs. Sherman, yes	Opposed, (1)	

It was noted the cost of the project is \$10,000 more than the original application.

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OLD BUSINESS

Approval and Ratification of Invoice(s) for Payment:

Habitat for Humanity - \$31,719.45 (Orchard \$18,948.60/Quinaquisset \$12,770.85)
Habitat for Humanity - \$19,723.15 (Orchard \$10,000/Quinaquisset \$9,723.15)
John's Pond Improvement Project - \$2,912.95
Attaquin Park Playground - \$917.87
Santuit Pond Preserves - \$3,788.26

Motion made by Mr. Larkin to approve and ratify the above referenced invoices for payment.

Motion seconded by Mrs. Buschenfeldt.

VOTE: Unanimous. 6-0-1.

Roll Call Vote:

Mr. Halpern, yes	Mrs. Buschenfeldt, yes	Mr. Larkin, abstained,
Mr. Shaw, yes	Ms. Waygan, absent for vote	Mr. Lord, yes
Mrs. Sherman, yes	Opposed, none	

NEW BUSINESS

Attaquin Park Playground – Project Closure -Vote to Return Balance; \$614 to the CPC 10% Open Space/Recreation Reserves:

The Director of Public Works confirmed the closure of the \$30,000 Attaquin Park Playground, Phase I funded by the May 2015 Special Town Meeting. With the approval of the Community Preservation Committee, the balance \$614 would be returned to the CPC 10% Open Space/Recreation Reserves.

Motion made by Mr. Larkin to close the Attaquin Park Playground Account and return the sum of \$614 to the CPC 10% Open Space/Recreation Reserves.

Motion seconded by Mr. Lord.

VOTE: Unanimous. 6-0.

Roll Call Vote:

Mr. Halpern, yes	Mrs. Buschenfeldt, yes	Mr. Larkin, abstained,
Mr. Shaw, yes	Ms. Waygan, absent for vote	Mr. Lord, yes
Mrs. Sherman, yes	Opposed, none	

Discussion relative to the Time of Future Meetings:

It was agreed the Community Preservation Committee meeting time would be changed to 7:00 p.m. **The next scheduled meeting is Tuesday, June 28, 2016 at 7:00 p.m.**

Community Preservation Committee
Minutes
April 26, 2016

Adjournment:

Motion made by Ms. Waygan to adjourn at 8:53 p.m.

Motion seconded by Mrs. Sherman.

VOTE: Unanimous. 7-0.

Roll Call Vote:

Mr. Halpern, yes	Mrs. Buschenfeldt, yes	Mr. Larkin, yes
Mr. Shaw, yes	Ms. Waygan, yes	Mr. Lord, yes
Mrs. Sherman, yes	Opposed, none	

Respectfully submitted,

Kathleen M. Soares
Community Preservation Committee

COMMUNITY PRESERVATION COMMITTEE

TUESDAY, JUNE 28, 2016

AGENDA

Convene Meeting: 7:00 p.m. – Mashpee Town Hall – Waquoit Meeting Room

MINUTES

Tuesday, April 26, 2016 Regular Session

APPOINTMENTS AND HEARINGS

Public Comment

Review & Deliberate on CPA Projects Proposed for October 2016 Town Meeting:

Mashpee High School Tennis Court Reconstruction Project

K.C. Coombs School Playground Project

Quashnet School Playground Project

Mashpee Historic District Signage Project

Habitat for Humanity - Orchard & Quinaquisset Community Housing Project

COMMUNICATIONS & CORRESPONDENCE

OLD BUSINESS

1) Approval and Ratification of Invoice(s) for Payment:

Ockway Boat Ramp Improvement Project - $\$7,450 + 136.59 = \$7,586.59$

Heritage Park Recreation Project - \$3,850

Great River Boat Ramp Improvement Project - \$1,568.75

Great River Boat Ramp Improvement Project - \$1,765

John's Pond Improvement Project - \$14,802.52 (final)

Habitat for Humanity – Orchard Road - \$3,068.90 (final)

Archives - \$160.86

Housing Assistance Program - \$27,500 (1st quarter)

Santuit Pond Preserve - \$649.45

Ockway Bay Boat Ramp - \$52,515.09

Community Park – 941.03

NEW BUSINESS

Review & Approval of Articles for the October Town Meeting Warrant:

Annual Article to Set Aside the 10% Reserves & Budgeted Reserve for Appropriation

Littleford Property – Amended Article; Language Revisions

Articles for Approved Projects as Deliberated

Community Preservation Committee
Minutes
June 28, 2016

Present: Richard Halpern, Evelyn Buschenfeldt, Ed Larkin, Frank Lord,
Ralph Shaw, Mary Waygan, Carol Sherman

Meeting Called to Order by Chairman Halpern at 7:00 p.m.
Mashpee Town Hall, Waquoit Meeting Room

MINUTES

Tuesday, April 26, 2016:

Motion made by Mrs. Sherman to approve the minutes of Tuesday, April 26, 2016 as presented.

Motion seconded by Mrs. Buschenfeldt.

VOTE: Unanimous. 7-0.

Roll Call Vote:

Mr. Halpern, yes	Mrs. Buschenfeldt, yes	Mr. Larkin, yes
Mr. Lord, yes	Mr. Shaw, yes	Ms. Waygan, yes
Mrs. Sherman, yes	Opposed, none	

APPOINTMENTS AND HEARINGS

Public Comment: None at this time.

Review & Deliberate on CPA Projects Proposed for October 2016 Town Meeting:

Review & Approval of Articles for the October Town Meeting Warrant:

The Community Preservation Committee met to further review and deliberate on CPA projects proposed for the October 2016 Town Meeting. Project applications were reviewed and considered at the April meeting and the following action was taken.

Mashpee High School Tennis Court Reconstruction Project:

Motion made by Mrs. Sherman to approve and recommend to the October 2016 Town Meeting, the Mashpee High School Tennis Court Reconstruction project in the amount of \$260,000. Funding shall derive from the Budgeted Reserve for Appropriation for this project.

Motion seconded by Mr. Larkin.

VOTE: Unanimous. 7-0.

Roll Call Vote:

Mr. Halpern, yes	Mrs. Buschenfeldt, yes	Mr. Larkin, yes
Mr. Lord, yes	Mr. Shaw, yes	Ms. Waygan, yes
Mrs. Sherman, yes	Opposed, none	

Community Preservation Committee
Minutes
June 28, 2016

Review & Deliberate on CPA Projects Proposed for October 2016 Town Meeting: (continued)
Review & Approval of Articles for the October Town Meeting Warrant:

K.C. Coombs School Playground Project:

Motion made by Mrs. Sherman to approve and recommend to the October 2016 Town Meeting, the K.C. Coombs School Playground project in the amount of \$91,000. Funding shall derive from the Budgeted Reserve for Appropriation for this project.

Motion seconded by Mrs. Buschenfeldt.

VOTE: Unanimous. 7-0.

Roll Call Vote:

Mr. Halpern, yes	Mrs. Buschenfeldt, yes	Mr. Larkin, yes
Mr. Lord, yes	Mr. Shaw, yes	Ms. Waygan, yes
Mrs. Sherman, yes	Opposed, none	

Quashnet School Playground Project:

Motion made by Mrs. Buschenfeldt to approve and recommend to the October 2016 Town Meeting, the Quashnet School Playground project in the amount of \$230,000. Funding shall derive from the Budgeted Reserve for Appropriation for this project.

Motion seconded by Mr. Shaw.

VOTE: Unanimous. 7-0.

Roll Call Vote:

Mr. Halpern, yes	Mrs. Buschenfeldt, yes	Mr. Larkin, yes
Mr. Lord, yes	Mr. Shaw, yes	Ms. Waygan, yes
Mrs. Sherman, yes	Opposed, none	

Mashpee Historic District Signage Project:

Ava Costello of the Mashpee Historical Commission was in attendance to further review the proposed Historic District Signage Project with members of the Community Preservation Committee.

As previously recommended the Town Seal and notification of the funding contribution for this project from the CPC shall be incorporated in the signage. For clarification purposes Mrs. Costello indicated the project would begin with the Historic District and expand thereafter. The project proposal will identify 70 buildings and locations that are of historic significance to the Town of Mashpee.

Community Preservation Committee
Minutes
June 28, 2016

Review & Deliberate on CPA Projects Proposed for October 2016 Town Meeting: (continued)

Mashpee Historic District Signage Project: (continued)

Mr. Halpern recused himself from voting on this project as one of the signs is intended to be situated at his business site location. In the absence of a Vice-Chairman, Mrs. Buschenfeldt as Clerk presided.

Motion made by Mrs. Sherman to approve and recommend to the October 2016 Town Meeting, the Mashpee Historic District Signage Project in the amount of \$57,801. Funding shall derive from the 10% Historic Purposes Reserve for this project.

Motion seconded by Mr. Larkin.

VOTE: Unanimous. 6-0-1.

Roll Call Vote:

Mr. Halpern, recused	Mrs. Buschenfeldt, yes	Mr. Larkin, yes
Mr. Lord, yes	Mr. Shaw, yes	Ms. Waygan, yes
Mrs. Sherman, yes	Opposed, none	

Habitat for Humanity - Orchard & Quinaquisset Community Housing Project:

In the absence of Leedara Zola Warren Brodie, advisor to Habitat for Humanity of Cape Cod, and former Mashpee resident was in attendance to review Habitat's amended application for additional funding for construction and the installation of solar panels at the Orchard and Quinaquisset community housing projects.

At the last CPC meeting there was concern with respect to the funding application and request for an additional \$40,000; \$30,000 to pave approximately 150' to provide access to the Quinaquisset Road home and \$10,000 to offset costs associated to the installation of solar panels at each house.

As the matter was debated Ms. Zola offered to amend the application to request additional funding for onsite construction. In concern, the applicant was requested to submit a revised application and detailed application justifying the expenditures associated to this project. The CPC motioned to accept a revised application from Habitat for Humanity for the October funding round with revised funding request details and the justification of expenditures. Mr. Brodie indicated the paving portion of the project was modified to request funding for construction purposes.

However, the question was again asked by the CPC Chair, should Mashpee taxpayers pay for the paving of a private road, and would it set precedent? And should Mashpee taxpayers be paying for solar panels? If the Town was to contribute towards the panels, would the Town receive some of the excess energy generated by the panels? The questions were left unanswered.

Community Preservation Committee
Minutes
June 28, 2016

Habitat for Humanity - Orchard & Quinaquisset Community Housing Project: (continued)

CPC member Larkin also stated the previous application for \$100,000 of which the CPA funded \$70,000 did not mention the request for solar panel funding and it did not request funding for road access to one of affordable homes. Mr. Larkin asked Mr. Brodie if this new request would fund the access road to 132 Quinaquisset Road. Mr. Brodie responded by stating no. It was noted the total development cost for both homes is \$480,000. Mr. Larkin indicated there is strong concern that a dangerous precedent would be set for all future boards, committees and officials if the funding was to be used for paving. It was noted the DPW Director stated that it is not permissible to use taxpayer funds to asphalt roads. Mr. Larkin indicated the CPC should know exactly what the \$30,000 is intended to be used for.

In support to Habitat's application CPC member Mary Waygan indicated that Habitat for Humanity is the main producer of affordable housing units in the Town of Mashpee. Ms. Waygan stated the \$110,000 to be funded by the Town in total for this project is well under the total construction cost of \$480,000 for the two affordable homes. It was noted the family selection for the two homes is anticipated to begin this fall. The houses are still under construction. Ms. Waygan also added the solar panels are making this housing more affordable. Ms. Waygan indicated this project is not providing a profit. As the solar portion of the project was debated Mr. Larkin asked about the other 13,000 residents in the town who do not have solar panels, and if they would come to the CPC to fund their solar panels. Mr. Larkin indicated this would also set a precedent by spending tax money for solar panels.

In rebuttal Ms. Waygan explained this is a new technology and it is permissible for any non-profit to use the CPA as an avenue for solar panels. Mashpee is a green community. In support Ms. Waygan stated she was confident that town meeting will vote for the solar panels. Ms. Waygan suggested if there was such a concern about the support for the solar panels that it be placed on the warrant as two separate articles. However, it was agreed that one article would suffice. In closing, Mr. Brodie stated the \$5,000 request per home is a fraction of the cost of the solar panels. The total installation per home is approximately \$20,000 per house. The gap is \$5,000 per home. Mrs. Buschenfeldt indicated she is strongly supportive of the application as presented.

Motion made by Ms. Waygan to accept and recommend to the October 2016 Town Meeting, the application from Habitat for Humanity in the amount of \$40,000 for construction and solar panels at 108 Orchard Road and 132 Quinaquisset Avenue. Funding shall derive from the 10% Affordable Housing Reserve for this project.

Motion seconded by Mrs. Buschenfeldt.

VOTE: 4-3. Motion carries.

Roll Call Vote:

Mr. Halpern, no	Mrs. Buschenfeldt, yes	Mr. Larkin, no	Mr. Lord, yes
Mr. Shaw, yes	Ms. Waygan, yes	Mrs. Sherman, no	Opposed, (3)

Community Preservation Committee
Minutes
June 28, 2016

Annual Article to Set Aside the 10% Reserves & Budgeted Reserve for Appropriation:

Motion made by Mrs. Sherman to approve and recommend to the October 2016 Town Meeting, the annual CPA Article to set aside the 10% Reserves & the Budgeted Reserve for Appropriation for fiscal year 2017.

Motion seconded by Ms. Waygan.

VOTE: Unanimous. 7-0.

Roll Call Vote:

Mr. Halpern, yes	Mrs. Buschenfeldt, yes	Mr. Larkin, yes
Mr. Lord, yes	Mr. Shaw, yes	Ms. Waygan, yes
Mrs. Sherman, yes	Opposed, none	

Littleford Property – Amended Article; Language Revisions:

With regards to the acquisition of the Littleford property, an article approved by a vote of the May 2016 Town Meeting it has been determined that additional language revisions are required under the CPA as required by M.G.L., Chapter 40, §8C whereby the Board of Selectmen and/or the Conservation Commission would be authorized to acquire, by purchase, fee title to the subject property for open space and passive recreation purposes. And further, previous wording; with no conservation restriction would be removed from the article language.

Motion made by Ms. Waygan to recommend the Board of Selectmen vote to take the Littleford parcel into their custody under the care of the Conservation Commission to satisfy the Community Preservation law.

Motion seconded by Mrs. Buschenfeldt.

VOTE: Unanimous. 7-0.

***Motion Rescinded on 7/14/16.**

Roll Call Vote:

Mr. Halpern, yes	Mrs. Buschenfeldt, yes	Mr. Larkin, yes
Mr. Lord, yes	Mr. Shaw, yes	Ms. Waygan, yes
Mrs. Sherman, yes	Opposed, none	

It was recommended that with future land acquisitions, the Community Preservation Committee make it known that a title search is required of the applicant by a professional lawyer, and further the applicant shall be notified verbally, within the CPA application and on the Town Meeting article of the sunset clause; a three-year time period for real estate acquisition awards which shall be instituted to supply title to the Town for Town Counsel's review and approval prior to said acquisition. With this action, the sunset clause would be introduced and made knowledgeable for transparency purposes. It was agreed that a ruling would be obtained from Town Counsel with respect to this regard.

Community Preservation Committee
Minutes
June 28, 2016

OLD BUSINESS

Approval and Ratification of Invoice(s) for Payment:

Ockway Boat Ramp Improvement Project - $\$7,450 + 136.59 = \$7,586.59$
 Heritage Park Recreation Project - \$3,850
 Great River Boat Ramp Improvement Project - \$1,568.75
 Great River Boat Ramp Improvement Project - \$1,765
 John's Pond Improvement Project - \$14,802.52 (final)
 Habitat for Humanity – Orchard Road - \$3,068.90 (final)
 Archives - \$160.86
 Housing Assistance Program - \$27,500 (1st quarter)
 Santuit Pond Preserve - \$649.45
 Ockway Bay Boat Ramp - \$52,515.09
 Community Park – 941.03

Motion made by Mr. Larkin to approve and ratify the above referenced invoices for payment.

Motion seconded by Ms. Waygan.

VOTE: Unanimous. 7-0.

Roll Call Vote:

Mr. Halpern, yes	Mrs. Buschenfeldt, yes	Mr. Larkin, yes
Mr. Lord, yes	Mr. Shaw, yes	Ms. Waygan, yes
Mrs. Sherman, yes	Opposed, none	

LIAISON REPORTS

Mashpee Greenway & Footbridge Project:

Ms. Waygan reported that a kick-off meeting was recently held to procure engineering and design for the Mashpee Greenway & Footbridge project. With approval at the May 2016 Special Town Meeting, the CPA project is moving forward. It was noted that Charlie Rowley, the Town's consulting engineer will assist in the development of specifications and oversee the footbridge project planned to cross the Quashnet River. It was noted that Mr. Rowley has deferred from participating in the actual engineering and design phase of the project.

Additionally, Ms. Waygan indicated that a \$64,000 grant has been applied for with the Commonwealth of MA Trails program from the U.S. Department of Transportation. It is hopeful that Mashpee will receive the grant funding to assist with costs associated to this project.

Community Preservation Committee
Minutes
June 28, 2016

LIAISON REPORTS

Mashpee Housing Assistance Program:

Mr. Larkin serving as liaison to the Mashpee Housing Assistance Program, a project which also secured CPA funding at the May 2016 Special Town Meeting indicated there has been a tremendous influx of residents requesting assistance. Some of the participants who had received assistance 3 years ago have had set backs and will be re-applying for assistance. To date, no funds have been expended to date. The Mashpee Housing Authority is anticipating the program would begin in July at the start of the new fiscal year. It was noted the program was strongly supported at Town Meeting and has received very good recognition. The program has received a lot of publicity which may have resulted in the influx of applications. The newspaper has done a good job in reporting about the families receiving assistance and how much the program is needed.

MEETING SCHEDULE

Thursday, July 14, 2016 – 7:00 p.m.
Tuesday, September 13, 2016 – 7:00 p.m.

Adjournment:

Motion made by Ms. Waygan to adjourn at 8:05 p.m.

Motion seconded by Mrs. Sherman.

VOTE: Unanimous. 7-0.

Roll Call Vote:

Mr. Halpern, yes	Mrs. Buschenfeldt, yes	Mr. Larkin, yes
Mr. Lord, yes	Mr. Shaw, yes	Ms. Waygan, yes
Mrs. Sherman, yes	Opposed, none	

Respectfully submitted,

Kathleen M. Soares
Community Preservation

COMMUNITY PRESERVATION COMMITTEE

THURSDAY, JULY 14, 2016

AGENDA

**Convene Meeting: 7:00 p.m. – Mashpee Town Hall, Administrative Conference Room
(upstairs across from Town Manager's Office)**

MINUTES

Tuesday, June 28, 2016 Regular Session

APPOINTMENTS AND HEARINGS

Public Comment

Review & Approval of Article relative to the Acquisition of the Littleford Property

Review of Articles proposed for the October 2016 Town Meeting Warrant

COMMUNICATIONS & CORRESPONDENCE

Communication from Town Counsel re: Sunset Clause

OLD BUSINESS

- 1) Approval and Ratification of Invoice(s) for Payment:
 - Great River Boat Ramp Improvement Project - \$4,482.19
 - Great River Boat Ramp Improvement Project - \$4,685.75
 - Heritage Park Improvement Project - \$10,296.13
 - Ockway Bay Boat Ramp Improvement Project - \$2,585
 - Ockway Bay Boat Ramp Improvement Project - \$1,824.99
 - Santuit Pond Preserve - \$2,070

NEW BUSINESS

Community Preservation Committee
Minutes
July 14, 2016

Present: Richard Halpern, Evelyn Buschenfeldt, Ed Larkin, Frank Lord,
Mary Waygan, Carol Sherman

Absent: Ralph Shaw

Meeting Called to Order by Chairman Halpern at 7:00 p.m.
Mashpee Town Hall, Administrative Conference Room

MINUTES

Tuesday, June 28, 2016 Regular Session:

The minutes were corrected on page five.

Motion made by Mr. Larkin to approve the minutes of Tuesday, June 28, 2016 as amended.
Motion seconded by Mrs. Sherman.

VOTE: Unanimous. 6-0.

Roll Call Vote:

Mr. Halpern, yes	Mrs. Buschenfeldt, yes	Mr. Larkin, yes
Mr. Lord, yes	Ms. Waygan, yes	Mrs. Sherman, yes
Opposed, none		

APPOINTMENTS AND HEARINGS

Public Comment: None at this time.

Review & Approval of Article relative to the Acquisition of the Littleford Property:

Correspondence was received from Town Counsel via email dated June 29, 2016 recommending the CPC consider an article to refine the language required to acquire the Littleford property. It was noted that Article 9 of the May 2016 Special Town Meeting authorized the appropriation of CPA funding for the acquisition. However, the article did not specifically authorize the Town to acquire title to the subject property or specifically authorize the Board of Selectmen and/or Conservation Commission to impose/grant a use restriction of the property as required by the Community Preservation Act, M.G.L. Chapter 44B, §12. The subject property will be perpetually limited to open space and passive recreation purposes enforceable by the Conservation Commission or other conservation organization.

The CPC agreed to move forward with an article for the October 2016 Town Meeting with language as specified by Town Counsel, and further rescind past action reflected in the minutes of June 28, 2016 on page six.

Community Preservation Committee
Minutes
July 14, 2016

Review & Approval of Article relative to the Acquisition of the Littleford Property: (continued)

Motion made by Ms. Waygan to rescind past action on June 28, 2016 regarding the Littleford property, and accept and recommend to the October 2016 Town Meeting, the article as prepared and revised by Town Counsel to complete the acquisition of the Littleford property as presented.

Motion seconded by Mrs. Buschenfeldt.

VOTE: Unanimous. 6-0.

Roll Call Vote:

Mr. Halpern, yes	Mrs. Buschenfeldt, yes	Mr. Larkin, yes
Mr. Lord, yes	Ms. Waygan, yes	Mrs. Sherman, yes
Opposed, none		

Review of Articles proposed for the October 2016 Town Meeting Warrant:

Discussion followed with respect to the Habitat for Humanity project proposed to fund \$40,000 for additional work associated to the construction of 108 Orchard Road and 132 Quinaquisset Avenue \$30,000 and to fund \$10,000 to assist in the installation of solar panels for each home.

It was noted that Dawn Thayer, the Finance Director recommended the article include information regarding this second round of funding request from Habitat and include a breakdown of costs associated to construction and for the solar panels as this project has been a controversial matter. If the taxpayers are not in agreement that the solar panels would be paid for with tax dollars, it may be possible to amend the article with Town Counsel's approval on Town Meeting floor for construction purposes only.

After reviewing this matter, it was determined that two separate articles would be recommended and presented to the October 2016 Town Meeting.

Motion made by Mr. Larkin to amend the Habitat for Humanity of Cape Cod article proposed for the October 2016 Town Meeting, and present (2) separate articles, one for construction purposes \$30,000 and the other for solar panels \$10,000 for the 108 Orchard Road and 132 Quinaquisset Avenue affordable housing projects.

Motion seconded by Mrs. Sherman.

VOTE: 4-2.

Roll Call Vote:

Mr. Halpern, yes	Mrs. Buschenfeldt, no	Mr. Larkin, yes
Mr. Lord, yes	Ms. Waygan, no	Mrs. Sherman, yes
Opposed, (2)		

Community Preservation Committee
Minutes
July 14, 2016

Review of Articles proposed for the October 2016 Town Meeting Warrant: (continued)

Motion made by Mr. Larkin to accept and recommend to the October 2016 Town Meeting, the application from Habitat for Humanity in the amount of \$30,000 to assist in the continued construction of 108 Orchard Road and 132 Quinaquisset Avenue. Funding shall derive from the 10% Affordable Housing Reserves for this project.

Motion seconded by Mrs. Sherman.

VOTE: Unanimous. 6-0.

Roll Call Vote:

Mr. Halpern, yes	Mrs. Buschenfeldt, yes	Mr. Larkin, yes
Mr. Lord, yes	Ms. Waygan, yes	Mrs. Sherman, yes
Opposed, none		

Motion made by Mrs. Waygan to accept and recommend to the October 2016 Town Meeting, the application from Habitat for Humanity in the amount of \$10,000 to assist in the installation of solar panels at 108 Orchard Road and 132 Quinaquisset Avenue. Funding shall derive from the 10% Affordable Housing Reserves for this project.

Motion seconded by Mrs. Buschenfeldt.

VOTE: 3-3. Motion does not carry.

Roll Call Vote:

Mr. Halpern, no	Mrs. Buschenfeldt, yes	Mr. Larkin, no
Mr. Lord, yes	Ms. Waygan, yes	Mrs. Sherman, no
Opposed, (3)		

A brief discussion followed regarding the intent of proposing two articles for the Town Meeting warrant to let the voters determine the outcome.

Motion made by Selectman Sherman to rescind the above referenced motion.

Motion seconded by Mr. Lord.

VOTE: 5-1. Motion carries

Roll Call Vote:

Mr. Halpern, yes	Mrs. Buschenfeldt, yes	Mr. Larkin, no
Mr. Lord, yes	Ms. Waygan, yes	Mrs. Sherman, yes
Opposed, (1)		

Community Preservation Committee
Minutes
July 14, 2016

Review of Articles proposed for the October 2016 Town Meeting Warrant: (continued)

Motion made by Selectman Sherman to accept and recommend to the October 2016 Town Meeting, the application from Habitat for Humanity in the amount of \$10,000 to assist in the installation of solar panels at 108 Orchard Road and 132 Quinaquisset Avenue.

Funding shall derive from the 10% Affordable Housing Reserves for this project.

Motion seconded by Ms. Waygan.

VOTE: 4-2. Motion carries.

Roll Call Vote:

Mr. Halpern, no	Mrs. Buschenfeldt, yes	Mr. Larkin, no
Mr. Lord, yes	Ms. Waygan, yes	Mrs. Sherman, yes
Opposed, (2)		

COMMUNICATIONS & CORRESPONDENCE

Communication from Town Counsel re: Sunset Clause:

At their June meeting, the Community Preservation Committee requested an opinion from Town Counsel with respect to the sunset clause; a three-year term for specific appropriations set forth in §6-22 of the Town's General Bylaws.

Unless voted at Town Meeting a specific appropriation may have a normal life of three (3) years from the commencement of the fiscal year. Any funds remaining in that appropriation shall revert to the general fund at the end of any fiscal year.

In Town Counsel's opinion, the General Bylaw as referenced would apply, however in the case of the CPC; the funds would revert to the Community Preservation Fund rather than the General Fund due to the unique and segregated status of the CPA fund under M.G.L. Chapter 44B.

As previously agreed upon by the CPC, the sunset clause would be introduced and made knowledgeable for transparency purposes. The applicant shall be verbally notified, and the applicable sunset clause would be duly noted on the CPA Application and noted on the Town Meeting warrant article.

Community Preservation Committee
Minutes
July 14, 2016

Communication from Town Counsel re: Sunset Clause: (continued)

With respect to the sunset clause for real estate acquisition awards, it was agreed the CPC would request Town Counsel to send written notice to the owners of 9 Quashnet Road, Mashpee; Neome Hollis and Pamela Tavares regarding the sunset clause.

It was noted the CPA recommended funding the acquisition of 9 Quashnet Road to the May 4, 2015 Special Town Meeting as Article 6. The 4.212 acre property is identified on Assessor's Map 44, as Parcel 11. The article to acquire this property with \$170,000 in CPA funding passed Special Town Meeting by a majority vote. It is required the applicant conduct the title exam and present clear title to the subject property.

Motion made by Mr. Larkin to request Town Counsel remit written notice to the owners of the 9 Quashnet Road property of the Town's bylaw relative to the sunset clause.

Motion seconded by Mrs. Sherman.

VOTE: Unanimous. 5-0-1.

Roll Call Vote:

Mr. Halpern, yes	Mrs. Buschenfeldt, abstained	Mr. Larkin, yes
Mr. Lord, yes	Ms. Waygan, yes	Mrs. Sherman, yes
Opposed, none		

OLD BUSINESS

Approval and Ratification of Invoice(s) for Payment:

Great River Boat Ramp Improvement Project - \$4,482.19
Great River Boat Ramp Improvement Project - \$4,685.75
Heritage Park Improvement Project - \$10,296.13
Ockway Bay Boat Ramp Improvement Project - \$2,585
Ockway Bay Boat Ramp Improvement Project - \$1,824.99
Santuit Pond Preserve - \$2,070

Motion made by Mr. Larkin to approve and ratify the above referenced invoices for payment.

Motion seconded by Selectman Sherman.

VOTE: Unanimous. 6-0.

Roll Call Vote:

Mr. Halpern, yes	Mrs. Buschenfeldt, yes	Mr. Larkin, yes
Mr. Lord, yes	Ms. Waygan, yes	Mrs. Sherman, yes
Opposed, none		

Community Preservation Committee
Minutes
July 14, 2016

Adjournment:

Motion made by Mr. Larkin to adjourn at 7:32 p.m.

Motion seconded by Ms. Waygan.

VOTE: Unanimous. 6-0.

Roll Call Vote:

Mr. Halpern, yes

Mrs. Buschenfeldt, yes

Mr. Larkin, yes

Mr. Lord, yes

Ms. Waygan, yes

Mrs. Sherman, yes

Opposed, none

Respectfully submitted,

Kathleen M. Soares
CPC Committee Secretary

PROPOSED ARTICLE III

To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of \$200,000 for the purpose of developing the wastewater treatment facility loadings, conceptual design/initial equipment sizing and process selection, recharge beds conceptual design, initiating the groundwater discharge permit application process and scoping with the Department of Environmental Protection, including any costs and expenses related thereto, as part of the process of advancing the design of the Site 4 property adjacent to the Transfer Station, or take any other action relating thereto.

Submitted by the Board of Selectmen

Explanation:

The Board of Selectmen

The Finance Committee

CHANGES: Article language revised by Town Counsel.

RECEIVED

2016 AUG 18 PM 1: 58

OFFICE OF SELECTMAN
TOWN OF MASHPEE

Artfully Yours
6 Joy Street
Mashpee, MA 02649
508 648 4302

August 16, 2016

To Whom it May Concern,

This letter is to inform the Mashpee Board of Selectman, as of Sept 5, 2016, Artfully Yours will be closing. I will surrender my liquor licence to the Board of Selectman on September 6, 2016. Thank you very much.

Regards,

Christine Wagner/Owner Artfully Yours

Christine Wagner

LICENSE
ALCOHOLIC BEVERAGES
THE LICENSING BOARD OF

TheTown..... of ...Mashpee.....

MASSACHUSETTS

HEREBY GRANTS A

GENERAL ON PREMISE LICENSE

License to Expose, Keep for Sale, and to Sell

Wines and Malt Beverages

To Be Drunk On the Premises

Christine M. Wagner

Tod/b/a ARTFULLY YOURS.....

.....
on the following described premises

6 Joy Street, Unit C-2, South Cape Village: 1214 square foot art-instructional facility,

.....
two entrances/exits.
.....

.....
This license is granted and accepted upon the express condition that the licensee shall, in all respects, conform to all the provisions of the Liquor Control Act, Chapter 138 of the General Laws, as amended, and any rules or regulations made thereunder by the licensing authorities. This license expires December 31st, 2016, unless earlier suspended, cancelled or revoked.

IN TESTIMONY WHEREOF, the undersigned have hereunto affixed their
official signatures this7th..... day of.....December.....2015

The Hours during which Alcoholic
Beverages may be sold are

From
Weekdays: 11 a.m. to 10:30 p.m.
Sat & Sun: 11 a.m. to 10:30 p.m.
Holidays: Per ABCC

John J. Capalano
David H. Sheehan
Thomas J. O'Hara
Mark

LICENSING BOARD

NUMBER

16-22

THE COMMONWEALTH OF MASSACHUSETTS

FEE

\$25.00

Town of Mashpee

This is to Certify that Christine M. Wagner, d/b/a ARTEFULLY YOURS
6 Joy Street, Unit C-2, Mashpee, MA

IS HEREBY GRANTED A
COMMON VICTUALLER'S LICENSE

in said Town of Mashpee and at that place only and expires
December thirty-first 2016 unless sooner suspended or revoked for violation of the laws of
the Commonwealth respecting the licensing of common victuallers. This license is issued in
conformity with the authority granted to the licensing authorities by General Laws, Chapter 140,
and amendments thereto.

In Testimony Whereof, the undersigned have hereunto affixed their official signatures.

John D. Sabatane
James W. Sheenan
Thomas F. Elias
Robert J. [illegible]

Licensing
Authorities

December 7, 2015

FORM 348 H&W HOBBS & WARREN™

(OVER)

"Preserving public trust, providing professional services"



Deborah Dami, MMC, CMMC
Town Clerk
508-539-1418
ddami@mashpeema.gov

Office of the Town Clerk
Mashpee Town Hall
16 Great Neck Road North
Mashpee, MA 02649

To: Board of Selectmen

From: Deborah F. Dami
Town Clerk

Date: August 18, 2016

Re: Bylaw Review Committee

RECEIVED
TOWN OF MASHPPEE

2016 AUG 19 AM 9:36

Section 7-7b: Periodic Review, Charter and Bylaws states that, "At least every ten years, the Board of Selectmen shall cause to be prepared by a special committee appointed for that purpose, a proposed revision or recodification of all by-laws of the Town...." The Committee shall consist of the Town Clerk, two (2) voters appointed by the Moderator, and two (2) persons appointed by the Selectmen.

At this time, I would ask that the Board of Selectmen vote to reconvene the Bylaw Review Committee and advertise and appoint two (2) voters to serve as your representatives.

:dd

PROPOSED ARTICLE I

To see if the Town will vote to appropriate and transfer from revenue available for appropriation \$XXX to fund the Firefighters Union Contract settlement effective XXX through XXX, or take any other action relating thereto.

Submitted by the Board of Selectmen

Explanation: This article will fund a contract settlement for FY XXXX.

The Board of Selectmen
The Finance Committee

CHANGES: None

PROPOSED ARTICLE II

To see if the Town will vote to create the position of Administrative Secretary within the Recreation Department/ Kids Klub Enterprise, said position to be classified under the Clerical Union, SEIU 888, Grade IV, Step 1, to be effective immediately, or take any other action relating thereto.

Submitted by the Board of Selectmen

Explanation: At the May 1, 2000 Annual Town Meeting, Article 11 authorized the transfer of various Kids Klub positions to the Town's salary schedule. The position of Administrative Secretary was inadvertently omitted. Approval of this article will rectify the situation.

Explanation:

The Board of Selectmen

The Finance Committee

CHANGES: Article language revised by Town Counsel.

PROPOSED ARTICLE III

To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of \$200,000 for the purpose of developing the wastewater treatment facility loadings, conceptual design/initial equipment sizing and process selection, recharge beds conceptual design, initiating the groundwater discharge permit application process and scoping with the Department of Environmental Protection, including any costs and expenses related thereto, as part of the process of advancing the design of the Site 4 property adjacent to the Transfer Station, or take any other action relating thereto.

Submitted by the Board of Selectmen

Explanation:

The Board of Selectmen

The Finance Committee

CHANGES: Article language revised by Town Counsel.

Mashpee Planning Department

Memo

To: Town Manager

From: Town Planner

Date: 9/6/2016

Re: September 12, 2016 BOS agenda item – Approval and Signature of Mashpee Commons Trail License Agreement

- Description – Summary of objective or issue to be decided.

Approval and signature of a "License Agreement" allowing the Town to develop and maintain a walking trail over a portion of land owned by Mashpee Commons, between Job's Fishing Road adjacent to Homeyer Village to a point in the vicinity of the Quashnet River, as described in Attachment A to the Agreement. The Agreement, with a term of 20 years, lays out the rights and responsibilities of both parties with respect to the trail and its use, and has been approved by both Town Counsel and counsel for Mashpee Commons and signed by Mashpee Commons.

- Background – Brief history of the issue, including controversial elements, if any.

The proposed License will allow development of the first section of a series of trails radiating from Mashpee Commons to the surrounding Town conservation areas and other Town facilities, part of the Planning Board's "Greenways Project" previously presented to the Selectmen. The trail will connect Mashpee Commons to Mashpee Middle High School over the designated portion of Mashpee Commons' land, a portion of the Quashnet River Conservation Area and a portion of Town land on which the US Fish & Wildlife Service holds a Conservation Restriction, ending along the northern edge of the High School's ball fields. Sponsored by the Planning Board and Conservation Commission, the trail, including a walking bridge over the Quashnet River, is funded by CPA funds approved by May's Town Meeting. The only element of the License that required extensive negotiations with Mashpee Commons was liability, which has been resolved by including the trail in a rider to the Town's insurance policy (\$150/ yr. cost). It should be noted that, as Mashpee Commons develops the portion of land crossed by this trail as part of its approved 40B project, portions of the trail may be relocated or temporarily closed during construction.

- Recommendation – Reason or rationale for the recommended action. Where alternatives exist, recommend specific option if confident in doing so, or explain why not.

Approval and signature is recommended in order to allow the trail project to proceed. There are no practical alternatives to use of a portion of Mashpee Commons land for this trail.

- Pros and Cons – If action is recommended, taken or declined, articulate the “after effect” or end result of said action, in your professional opinion.

If approved, this will allow the first segment in a trail network that is intended to enhance access to our conservation areas and to link them through our de facto downtown, to provide additional amenities for residents and visitors supportive of the Mashpee Commons development and its merchants, and to encourage public health through increased walking for exercise. If not approved, these benefits will not be achieved, and the Town Meeting approved CPA funded project cannot proceed.



LICENSE TO ENTER AND USE REAL PROPERTY

This instrument is a license by and between Mashpee Commons Limited Partnership, P.O. Box 1530, Mashpee, MA (the "Licensor") and The Town of Mashpee, acting by and through its Board of Selectmen, with an address of 16 Great Neck Road North, Mashpee, MA (the "Licensee").

Whereas, Licensor is the owner of a parcel of real property identified as Map 73, Block 10 on the Mashpee Assessors' Maps, being a 39.44 +/- acre parcel shown as Lot 20 on a "Plan of Land in Mashpee, MA Prepared for: Fields Point Corporation" by BSC Cape Cod Survey Consultants, dated August 4, 1986 and recorded in the Barnstable County Registry of Deeds in Plan Book 432, Page 64 (the "Property")

Whereas, the Licensee desires to enter upon a portion of the Property for the limited purpose and use described below:

Now therefore, Licensor hereby grants to Licensee the non-exclusive right to enter and use that portion of the Premises specified below subject to the following terms and conditions:

1. REFERENCE DATA

A.) Date of License: July 1, 2016

B.) Permitted Use: The Licensee, its employees, agents, contractors, and members of the general public are permitted to occupy and use that portion of the Property as described in Attachment A for the purpose of public access to and passive recreational use of said real property as an approximately 6'-wide walking trail (such portion of the Property being referred to herein as the "Premises"), including the right to maintain, repair and erect appropriate signage or security devices on said Premises in connection with said Permitted Use, provided that any such improvements shall be subject to Landlord's prior review and approval, such approval not to be unreasonably withheld, conditioned or delayed. In no event shall the Premises be used for active recreational uses, nor shall any motorized vehicles be permitted on the Premises.

C.) Term of License: July 1, 2016 through June 30, 2036, unless otherwise terminated by the parties as provided in Paragraph 9 herein.

2. RIGHTS APPURTENANT

The Licensee shall have, appurtenant to the License hereby granted, the non-exclusive use, in common with all others entitled thereto, of the Premises only for the purposes of the Permitted Use defined in Section 1(B), and Licensee shall not use the Premises for any other purpose. To be clear, Licensee shall only be permitted to use, and the term "Premises" shall mean, that certain portion of the Property depicted on the plan attached hereto as Attachment A for an approximately 6'-wide walking trail, with the precise location of such trail being approximately in the area shown on said plan, provided that such trail may be located within ten feet of the center line of the trail depicted on Attachment A in order to facilitate installation of the trail and account for any trees, rocks or other surface conditions that impede the Licensee's ability to locate the trail along the line depicted in the plan. In the event that Licensor undertakes construction activity on the Property which precludes or materially restricts Licensee's use and occupancy of the Premises, or any portion thereof, for the purposes authorized herein, Licensor shall provide the Licensee the right to use and occupy such alternative portions of the Property for purposes of relocating impacted portions of the walking trail as Licensor deems appropriate. Said relocated walking trail shall be subject to the terms and conditions of this License. Except as provided herein, Licensee have no right to use any other portion of the Property.

3. CONDITION OF PREMISES

Licensee acknowledges and agrees that it accepts the Premises in "as is" condition for the purpose of this License and that Licensor has made no representation or warranty regarding the fitness of the Premises for the Permitted Use.

4. ALTERATION OF THE PROPERTY

Licensee shall not make any alterations to or improvements upon the Premises which deviate in any material manner from those existing as of the date of commencement of this Agreement, nor shall the Premises be used by Licensee in any manner other than that specified in Section 1 without first obtaining the written approval of the Licensor. The specified portion of the Premises shall be returned, as nearly as possible, to its original condition by the Licensee at its sole cost and expense at the conclusion of the License term unless Licensor foregoes said requirement in writing. Without limiting the foregoing, in no event shall Licensee pave the Premises.

5. CONDUCT OF LICENSEE

A.) Compliance with Laws

Licensee shall at all times perform and regulate the Permitted Use in accordance with all applicable laws, statutes, ordinances, bylaws, regulations, permits, licenses, orders and requirements of governmental authorities and in compliance all requirements of its insurance policies, as well as such reasonable rules and regulations as Licensor may impose from time to

time. Without limiting the foregoing, in no event shall the Premises be used by Licensee or any other party claiming by, through or under Licensee use the Premises from ½ hour before dusk to ½ hour after dawn.

B.) Repair of Damage

Licensee will neither cause, suffer, nor permit any waste on the Premises or Property, and shall maintain the Premises in good order and repair at all times. Without limiting the foregoing, Licensee shall be responsible, at its sole cost and expense, for clearing all trash and debris from the Property generated in connection with the rights granted to Licensee hereunder.

C.) Security

Licensor shall not be responsible for the security of the Premises or any fixtures, equipment, machinery, vehicles or other personal property placed thereon by Licensee, each of which shall be the sole responsibility of Licensee.

D.) Costs of Operations

Licensee shall be solely responsible for any and all costs and expenses associated with the exercise of its rights under the License. Without limiting the foregoing, Licensee shall be solely responsible, at its sole cost, for enforcing the terms of this License insofar as they relate to the use of the Premises by Licensee, its employees, agents, contractors, and members of the general public and, in the event of any default by Licensee on its obligations hereunder then Licensor, upon issuing notice of such default to the Licensee demanding a cure of the default within a reasonable time (not to exceed thirty (30) days, or such longer period of time as may be necessary, provided Licensee is diligently and continuously prosecuting such cure, commencing within thirty (30) days of receipt of notice of the same and continuing until completion) and failure of the Licensee to so cure, may, but shall not be obligated to, perform such obligations on Licensee's behalf, and invoice Licensee for the reasonable cost thereof, whereupon Licensee shall promptly reimburse Licensor for any such costs.

6. **RISK OF LOSS**

Licensee agrees that it shall use and occupy and permit use and occupancy of the specified portion of the Premises by others as a walking trail at its own risk, and the Licensor shall not be liable to Licensee its employees, agents, contractors, and members of the general public for any injury or death to persons entering the Premises or Property for said purpose pursuant to the License, or loss or damage to vehicles, equipment, or other personal property, of any nature whatsoever, of the Licensee, or of anyone claiming use by or through it.

7. **INSURANCE/ INDEMNIFICATION**

Licensee shall secure and maintain throughout the term of this License general liability

insurance with respect to claims arising in relation to the exercise of its rights hereunder with coverage in the amount of \$1,000,000 per occurrence, and \$2,000,000 in the aggregate, which policy shall name the Licensor as an additional insured as follows: Mashpee Commons Limited Partnership as ADDITIONAL INSURED – Licensee insurance to be primary and non-contributory, PO Box 1530, Mashpee, MA 02649.

Licensee agrees to indemnify, defend and hold harmless the Licensor against any claim by any person for any injury or death to persons or loss or damage to property resulting from or relating in any way to Licensee's exercise of its rights under this License (including without limitation any claims arising out of injury or death to persons or loss or damage to property occurring outside of the Premises, to the extent arising out of or caused by any entrance on to the Premises under the license granted by this License), subject to insurance coverage, terms and conditions, up to said insurance limits. The provisions of this paragraph shall survive the termination of this License.

8. RIGHTS OF LICENSOR TO ENTER/ NOTICE OF ENTRY

The Licensor reserves the right, and the Licensee shall permit the Licensor, or those otherwise specifically authorized by the Licensor, to enter upon and use the Premises at any time and for any and all purposes at Licensor's sole discretion, provided that Licensor's use shall not interfere with Licensee's Permitted Use.

The Licensor agrees to provide the Licensee with fourteen days advance written notice of any entry upon the Premises by the Licensor, its contractors or agents for construction activities on the licensed Premises or on any of its real property located proximate to said Premises. The parties hereto acknowledge that Licensor intends to perform construction activities on the Property and certain other real property located proximate to the Premises.

9. TERMINATION

This License is terminable at any time by the Licensor or the Licensee, with or without cause, upon ninety (90) days written notice to the other party.

10. NO ESTATE CREATED

This License shall not be construed as creating or vesting in Licensee any estate in the Premises or any interest in real property.

11. MISCELLANEOUS

This License may not be modified except in writing, duly executed by both parties.

- 1) This License contains the entire agreement of the parties and there are no other agreements or understandings between the parties regarding the subject matter of

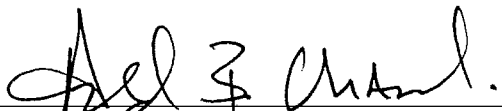
the License.

- 2) The captions in this License are inserted for convenience of reference only and in no way define, describe or limit the scope or intent of this License or any of the provisions thereof.
- 3) This License shall be governed by and construed in accordance with the laws of the Commonwealth of Massachusetts, and any and all legal actions brought in connection with this License shall be brought in courts within the Commonwealth of Massachusetts. The parties acknowledge that it is Licensor's and Licensee's intention that this License be construed as a lease of land to a political subdivision of the Commonwealth of Massachusetts for use by the public, without any charge or fee, for recreational purposes, all in accordance with the provisions of Massachusetts G.L. c. 21 §17C., and that, accordingly, to the maximum extent permitted by said statute, Licensor shall not be liable for personal injuries or property damage sustained by any member of the public, including without limitation any minor, while on the Premises, in the absence of willful, wanton, or reckless conduct by Licensor, and to the extent any provision or term of this License is inconsistent therewith, such provision or term shall be excluded to the extent of such inconsistency, and all other terms shall remain in full force and effect.

This License shall take effect as a sealed instrument as of the date indicated in Paragraph 1(A) above.

LICENSOR:

By:


For Mashpee Commons Limited Partnership

Dated: _____, 2016

LICENSEE: TOWN OF MASHPEE

By:

Its: Chairman, Board of Selectmen

Dated: _____, 2016

ATTACHMENT A

Description of Licensed Portion of the Premises

Licensed portion of the Premises consists of a twenty (20) foot wide strip of land centered on the following lines:

Section 1 - Beginning at a point on the southern side line of Job's Fishing Road at the center of the frontage of Lot 20 as shown on a "Plan of Land in Mashpee, MA Prepared for: Fields Point Corporation" by BSC Cape Cod Survey Consultants, dated August 4, 1986 and recorded in the Barnstable County Registry of Deeds in Plan Book 432, Page 64 (the "Premises"), then following a course South $43^{\circ} 57' 33''$ West 300+/- feet on an area cleared for future roadway use to the beginning of an existing walking path, then following the center of said existing path on approximately the same course, with minor deviations, approximately 230 feet to the center line of an existing unpaved road shown on said Plan of Land as "Whitings Road";

Section 2 - then following the center line of said Whitings Road on various courses as shown on said Plan of Land in a generally Northwesterly direction for a distance of six hundred (600) feet;

Section 3 - then from the center line of said Whitings Road on various courses Southwesterly, Westerly and West-Northwesterly, with the northern line of said twenty (20) foot wide strip of land marked by stakes, to its end point at the center of a line comprising part of the western boundary of Lot 20 shown on the said Plan of Land as being 233.56 feet in length and bearing North $36^{\circ} 28' 10''$ East.



TOWN OF MASHPEE COUNCIL ON AGING

Telephone 508.539.1440
Fax 508.539.2791
www.coamashpee.ma.gov
26 Frank E. Hicks Drive
Mashpee, Massachusetts 02649

Lynne Waterman, Director
Darlene Perkins, Outreach Coordinator

To: Rodney Collins, Town Manager
From: Lynne Waterman, Council on Aging Director
Regarding: Senior Property Tax Work-Off Program
September 8, 2016

Regarding the proposed policy for the senior property tax work-off program, to be discussed at the selectmen's meeting on Monday, September 12, 2016:

Description:

The proposed changes to the program are: 1. clarifying that the mission is to provide tax relief for low income elders, and establishing financial guidelines so that they match the guidelines of the state's fuel assistance program, which change annually. 2. Requiring proof of annual income by candidate providing copy of tax return. 3. Candidate may not own home in another community. 4. No two members of same household may participate in the same year. 5. Appropriate candidates will be selected via lottery, if there are more qualified applicants than positions. 6. Maximum number of positions annually will be 25, and maximum credit per candidate will be \$750, with option of increasing dollar amount in future years. 7. All selected candidates will be subject to review process by human resources staff (CORI, I-9, W-4, etc). 8. Posting the payment against a participant's tax bill will follow the process required by Internal Revenue Service.

Background:

The senior property tax work-off program has been operating for 16 years, and initially there was discussion that this was a way to assist low income elders who were struggling to pay their property tax bills. However, few official operating guidelines and no financial guidelines were established. As a result, over the years, the program moved away from the mission. Accounting and human resources procedures were not established initially as well.

Recommendation:

I am recommending that the proposed policy be adopted, as it represents the recommendations/guidance of not only the COA Director, but those of other staff involved with this program (accounting, human resources, assessing, treasurer).

Pros and Cons:

The major benefits of adopting this policy would be that it would clarify the mission and procedures of the program, assist low income elders, and be a fair process for any senior who is interested in the program and is considering applying.

The major cons are that some seniors who wish to participate may no longer be eligible financially or because they own a home in another community. Also, there will be additional paperwork for the selected candidate to complete.

**Town of Mashpee Board of Selectmen
Policy #066**

Senior Property Tax Work-Off Program

I. PURPOSE AND INTENT

The purpose of this policy shall be to establish/implement a program to offer property tax assistance for low income seniors, ages 60 and older. The number of participants shall not exceed twenty-five (25) in one calendar year. The maximum tax credit awarded to each participant will be Seven Hundred Fifty and 00/100 Dollars (\$750.00) annually, minus payroll tax withholdings as required by federal regulation. These credits are considered to be reportable income and participants will receive a form W-2 for the amount earned during the program.

II. ELIGIBILITY REQUIREMENTS

Eligible participants must be Mashpee residents who do not own property in another community. Only one member of each household may participate in the Program in any given year. Selected participants may be granted consecutive eligibility.

III. FINANCIAL GUIDELINES

The Program shall follow the financial eligibility guidelines established by the Commonwealth of Massachusetts low-income energy assistance program, which are updated annually. The variables are the maximum annual income allowance for a qualifying single and/or a household of two members. The applicant must provide a copy of his/her tax return(s) to verify financial eligibility.

IV. SELECTION OF PARTICIPANTS

If there are more qualified applicants than positions available in any given year, all final participants shall be selected via lottery.

V. HIRING OF PARTICIPANTS

Once final participants have been identified, each participant shall be subject to a review process administered by the Human Resources Department. All participants shall comply with all policies and procedures of the Town.

VI. TERM

The term of any participant shall be October 1st through September 30th.

Adopted: September 12, 2016



TOWN OF MASHPEE

OFFICE OF SELECTMEN

16 Great Neck Road North
Mashpee, Massachusetts 02649
Telephone - (508) 539-1401
bos@marshpeema.gov

MEMORANDUM

DATE: September 8, 2016

FROM: Andrew Gottlieb, Chairman

TO: Board of Selectmen

RE: Conservation Restriction, Mills Property

The Board is being asked to consider approving the granting of a Conservation Restriction (CR) to the Commonwealth on the Mills property, which was acquired as a cooperative effort between Mashpee and Barnstable. The original plan and the legislation that supported the project had Barnstable contributing \$150,000 toward Mashpee's costs upon the granting of a CR to the Department of Fish and Game. The execution of that plan has been delayed due to DFG seeking the granting of additional CRs on certain infill properties, and the Board has refused to proceed.

DFG staff has indicated that they will drop the infill request and accept the CR on the Mills property only. Approval of the granting of the CR will enable Mashpee to proceed with Barnstable and receive the \$150,000 that they have been holding for several years. The Board will be asked to approve the granting of the CR on the Mills property and to authorize the Town Manager to proceed with the transaction accordingly.



TOWN OF MASHPEE

OFFICE OF SELECTMEN

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Mashpee, Massachusetts 02649
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MEMORANDUM

TO: Andrew R. Gottlieb, Chairman
and Honorable Members of the Board of Selectmen

FROM: Christine Willander, Administrative Assistant *CW*

DATE: September 8, 2016

RE: *Draft #3 of October 2016 Town Meeting Warrant*

At the request of the Town Manager, I am submitting Draft #3 of the October 2016 Town Meeting Warrant for your consideration. Red notations indicate what changes, if any, were made to each article since Draft #2 was reviewed at the August 22nd Selectmen's meeting.

**TOWN OF MASHPEE
ANNUAL TOWN MEETING
MONDAY, OCTOBER 17, 2016**

Barnstable, ss:

Greetings to the Constables of the Town,

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and summon the inhabitants of the Town of Mashpee who are qualified to vote in the elections to meet at the Mashpee High School on Monday, the 17th day of October 2016 at 7:00 p.m. for the following purposes:

To act on the articles contained in the following Warrant.

Article 1

To see if the Town will vote to appropriate and transfer the sum of \$498 from revenue available for appropriation to pay previous fiscal year unpaid bills as follows:

Judith Daigneault, Retroactive Payment	\$498
--	-------

Or take any other action relating thereto.

Submitted by the Board of Selectmen

Explanation: This article is necessary to pay retroactive wages which are owed to one of the Town's board secretaries as a result of a missed step increase.

The Board of Selectmen

The Finance Committee recommends Town Meeting approval by a vote of 6-0

CHANGES: FinCom vote added.

Article 2

To see if the Town will vote to appropriate, borrow or transfer from available funds, a sum of money to be expended under the direction of the Planning & Construction Committee for replacement of windows and doors at the Quashnet School, 150 Old Barnstable Road, Mashpee, MA 02649 for which the Town may be eligible for a school construction grant from the Massachusetts School Building Authority ("MSBA"). The proposed repair project would materially extend the useful life of the school and preserve an asset that otherwise is capable of supporting the required educational program. The MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any project costs the

Town incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town. Any grant that Town of Mashpee may receive from the MSBA for the Project shall not exceed the lesser of (1) 37.95 percent (%) of eligible, approved project costs, as determined by the MSBA, or (2) the total maximum grant amount determined by the MSBA.

Submitted by the Board of Selectmen

Explanation: This article seeks an appropriation of funds with respect to which the Town may be eligible for reimbursement pursuant to a school construction grant from the Massachusetts School Building Authority (MSBA). The proposed window and door replacement project would materially extend the useful life of the school and preserve a capital asset that is otherwise capable of supporting the required educational programs. The MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any project costs the Town incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town. Any grant that the Town of Mashpee may receive from the MSBA for the project shall not exceed the lesser of 37.95 percent (%) of eligible, approved project costs, as determined by the MSBA or the total maximum grant amount as determined by the MSBA.

The Board of Selectmen
The Finance Committee HOLD

CHANGES: Article language revised by MSBA. Explanation added by Town Counsel.

Article 3

To see if the Town will vote to appropriate and transfer the sum of \$83,000 from the Ambulance Receipts Reserved for Appropriation account to the FY 2017 Fire Capital account, or take any other action relating thereto.

Submitted by the Fire Department

Explanation: This article is to fund the upgrade of the Fire/EMS reporting program, including replacement of hardware. Currently, the Town uses two separate programs for reporting; this new program will allow for both Fire and EMS reporting, and will be compliant with the Office of Emergency Medical Services reporting requirements. The Fire Department was notified in March that the current Fire incident reporting program would be discontinued, thus requiring the change to the new reporting program. Due to this need for a new Fire reporting program, as well as pending upgrade requirements and increased annual costs of the existing EMS program, it was determined that upgrading to one reporting program would be fiscally and operationally more beneficial to the Town. The Capital Improvement Committee held a special meeting and unanimously voted to approve the project.

The \$83,000 cost of the upgrade is distributed as follows, and all funding will be through the Ambulance Receipts account:

\$38,950	ImageTrend program – includes CAD integration and personnel training
\$33,000	Purchase of six (6) laptop/table computers for Fire vehicles
\$ 9,610	Purchase of computer mounts, antenna, installation and Windows licensing
\$ 1,440	Six months of Verizon wireless service to cover FY 2017 costs

The Board of Selectmen

The Finance Committee recommends Town Meeting approval by a vote of 6-0

CHANGES: Submitted by Fire Department (previously Board of Selectmen). FinCom vote added.

Article 4

To see if the Town will vote to transfer the sum of \$25,077.73 from the Cable Access Special Revenue fund to the Cable Access Receipts Reserved fund, or take any other action relating thereto.

Submitted by the Town Accountant/Finance Director

Explanation: The Department of Revenue has required municipalities to account for Cable Access funds in a Receipts Reserved account, beginning in FY 2017. This article will transfer the June 30, 2016 balance in the previous Cable Access fund to the new fund.

The Board of Selectmen

The Finance Committee recommends Town Meeting approval by a vote of 6-0

CHANGES: Corrected amount (previously \$25,077.23). FinCom vote added.

Article 5

To see if the Town will vote to appropriate and transfer, pursuant to the provisions of M.G.L. Chapter 44B, §6 to reserve from FY 2017 estimated Community Preservation revenues, the following amounts:

\$ 149,723	10% for Open Space/Recreational Purposes
\$ 149,723	10% for Historic Preservation Purposes
\$ 149,723	10% for Affordable Housing Purposes
\$1,048,058	to the FY 2017 Community Preservation Fund Budgeted Reserve for Appropriation, as recommended by the Community Preservation Committee,

or take any other action relating thereto.

Submitted by the Community Preservation Committee

Explanation: This article is required annually to set aside the 10% Reserves of the estimated Community Preservation Funds for Open Space/Recreation Purposes, Historic Preservation Purposes and Affordable Housing Purposes as well as to fund the Budgeted Reserve for Appropriation.

The Community Preservation Committee voted 7-0 to approve this article to set aside the 10% Reserves and Budgeted Reserve for Appropriation to be available for use in FY 2017, as certified by the Town Finance Director and reflected in the FY 2017 CP-1.

The Board of Selectmen

The Finance Committee recommends Town Meeting approval by a vote of 6-0

CHANGES: FinCom vote added.

Article 6

To see if the Town will vote pursuant to the provisions of M.G.L. Chapter 44B, §5, to amend the previous vote of the Town Meeting under Article 9 of the May 2016 Special Town Meeting for the purposes of funding the acquisition of the Littleford Moniz Jordan property; 104 William Mingo Road identified on Assessor's Map 51, Block 6 and 60 Saddleback Road identified on Assessor's Map 43, Block 14 for open space and passive recreation purposes by striking the wording "with no conservation restriction"; and further, to authorize the Conservation Commission and/or the Board of Selectmen to acquire, by purchase, fee title to the subject property for open space and passive recreation purposes pursuant to M.G.L. Chapter 40, §8C or otherwise, to grant/impose such conservation use restrictions with respect to said property as may be required by M.G.L. Chapter 44B, §12 and to execute such agreements and instruments as may be necessary to accomplish said transactions, all as recommended by the Community Preservation Committee, or take any other action relating thereto.

Submitted by the Community Preservation Committee

Explanation: The Town Meeting vote under Article 9 of the May 2016 Special Town Meeting authorized the appropriation of Community Preservation Act funding for this acquisition. However, the article did not specifically authorize the Board of Selectmen to acquire title to the subject property nor did it specifically authorize the Board of Selectmen and/or Conservation Commission to impose/grant a use restriction on the property as required by the Community Preservation Act, M.G.L. Chapter 44B, §12. The subject property will be perpetually limited to open space and passive recreation purposes enforceable by the Conservation Commission or other conservation organization.

The vote of the Community Preservation Committee was 6-0 in support of this article.

The Board of Selectmen

The Finance Committee recommends Town Meeting approval by a vote of 5-1

CHANGES: FinCom vote added.

Article 7

To see if the Town will vote to appropriate and transfer from the Community Preservation Budgeted Reserve for Appropriation, in accordance with the provisions of M.G.L. Chapter 44B, §5, the sum of \$260,000 for the purpose of funding the Mashpee Middle/High School Tennis Court and Basketball Court Reconstruction Project including necessary costs and expenses related thereto, as recommended by the Community Preservation Committee, or take any other action relating thereto.

Submitted by the Community Preservation Committee

Explanation: The goal of this project is to improve the tennis and basketball courts at the Middle/High School. The courts are original to the school's construction 20 years ago. There are six tennis courts and two full-size basketball courts at the school that are extensively utilized on a year-round basis. Due to the age of the courts and deterioration, the surface is negatively affecting play on the courts. Total reconstruction is required as repairs are deemed not cost effective.

The vote of the Community Preservation Committee was unanimous 7-0 in support of this article.

The Board of Selectmen

The Finance Committee recommends Town Meeting approval by a vote of 6-0

CHANGES: FinCom vote added.

Article 8

To see if the Town will vote to appropriate and transfer from the Community Preservation Budgeted Reserve for Appropriation in accordance with the provisions of M.G.L. Chapter 44B, §5, the sum of \$91,000 for the purpose of funding the Mashpee K.C. Coombs School Playground Improvement Project including necessary costs and expenses related thereto, as recommended by the Community Preservation Committee, or take any other action relating thereto.

Submitted by the Community Preservation Committee

Explanation: This project would improve the playground facilities provided at the K.C. Coombs School with nature-themed climbing and balance structures that would complement the additional playground structures at the school. This would assist children in the development of

motor skills including balance, agility, coordination and strength. New surfacing is proposed to meet the requirements for fall protection. The playground equipment would replace a more than 20-year old climbing structure, and be handicap accessible. The K.C. Coombs School PTO is committed to fundraising for the purchase and installation of a small shade shelter. The total project cost is \$100,500.

The vote of the Community Preservation Committee was unanimous 7-0 in support of this article.

The Board of Selectmen

The Finance Committee recommends Town Meeting approval by a vote of 6-0

CHANGES: FinCom vote added.

Article 9

To see if the Town will vote to appropriate and transfer from the Community Preservation Budgeted Reserve in accordance with the provisions of M.G.L. Chapter 44B, §5, the sum of \$230,000 for the purpose of funding the Mashpee Quashnet School Playground Improvement Project including necessary costs and expenses related thereto, as recommended by the Community Preservation Committee, or take any other action relating thereto.

Submitted by the Community Preservation Committee

Explanation: The goal of this project is to improve the playground facilities provided at the Quashnet School. The playground is a multi-component structure which would complement the additional playground equipment at the schools. Opportunities for children include balancing, climbing, sliding and strength conditioning. It would also promote problem solving and interactive play. The new equipment would replace the old wooden play structure. New surfacing would meet the requirements for fall protection and the structure would be handicap accessible.

The vote of the Community Preservation Committee was unanimous 7-0 in support of this article.

The Board of Selectmen

The Finance Committee recommends Town Meeting approval by a vote of 6-0

CHANGES: FinCom vote added.

Article 10

To see if the Town will vote to appropriate and transfer from the Community Preservation Historic Purposes Reserve in accordance with the provisions of M.G.L. Chapter 44B, §5, the sum of \$57,801 for the purpose of funding the Mashpee Historic District Signage Project including

necessary costs and expenses related thereto, as recommended by the Community Preservation Committee, or take any other action relating thereto.

Submitted by the Community Preservation Committee

Explanation: The goal of this project is to identify approximately 70 buildings and locations that are historically significant in the Mashpee Historic District and in other parts of the Town of Mashpee. The historic markers would include a photo or a sketch with text and a quote regarding the site. Duplicate signage would be reproduced and a set of the signage would be on display at the Mashpee Town Hall. The project includes a Mashpee Historic District Walking Tour pamphlet. Signage would also be displayed at the Mashpee Community Park at a planned kiosk with a map and description of the Historic District. There would be additional space to display information relative to the One Room Schoolhouse and events scheduled to be held at the Community Park. The project is intended to inform both residents and visitors of the unique history of the Town of Mashpee.

The vote of the Community Preservation Committee was unanimous 6-0 in support of this article. One member recused himself from voting on this article.

The Board of Selectmen

The Finance Committee recommends Town Meeting approval by a vote of 4-2

CHANGES: FinCom vote added.

Article 11

To see if the Town will vote to appropriate and transfer from the Community Preservation Affordable Housing Reserve in accordance with the provisions of M.G.L. Chapter 44B, §5, the sum of \$30,000 for the purpose of funding additional construction costs associated with the Habitat for Humanity Affordable Housing projects located at 108 Orchard Road and 132 Quinaquisset Avenue, identified on Map 69, Parcels 18 and 6, including necessary costs and expenses related thereto, as recommended by the Community Preservation Committee, or take any other action relating thereto.

Submitted by the Community Preservation Committee

Explanation: The project would fund additional work associated with the two ongoing Habitat for Humanity affordable housing projects previously funded by the CPC. This is the second round of funding for the projects. Habitat previously requested \$100,000 for this project. The CPA Special Town Meeting in May of 2015 appropriated \$70,000, a construction cost contribution of \$35,000 per home. Additional CPA funding would assist in the completion of the remainder of construction work required to complete the affordable housing projects, which shall be restricted to affordable housing use in perpetuity.

The vote of the Community Preservation Committee was 6-0 in support of this article.

The Board of Selectmen

The Finance Committee recommends Town Meeting approval by a vote of 6-0

CHANGES: Explanation language revised by Town Counsel. FinCom vote added.

Article 12

To see if the Town will vote to appropriate and transfer from the Community Preservation Affordable Housing Reserve in accordance with the provisions of M.G.L., Chapter 44B, §5, the sum of \$10,000 for the purpose of funding the solar panel installation project associated with the Habitat for Humanity Affordable Housing projects located at 108 Orchard Road and 132 Quinaquisset Avenue identified on Map 69, Parcels 18 and 6, including necessary costs and expenses related thereto, as recommended by the Community Preservation Committee, or take any other action relating thereto.

Submitted by the Community Preservation Committee

Explanation: The project would fund additional work associated with two ongoing Habitat for Humanity affordable housing projects previously funded by the CPC. This is a new request for funding. Additional CPA funding in the amount of \$10,000 would assist to “fill the gap” in funding (\$5,000 per home) to complete the solar panel installation project planned on both the Orchard Road and Quinaquisset Avenue homes. Habitat for Humanity has assumed the budget for a 3-bedroom home solar installation to be approximately \$24,000 per home. With the installer discount, Cape Light Compact funds and a private grant, \$19,000 has been secured for each home.

The vote of the Community Preservation Committee was 4-2 in support of this article.

The Board of Selectmen

The Finance Committee recommends Town Meeting approval by a vote of 5-1

CHANGES: In an email dated 9/8/16, Habitat for Humanity notified this office of its intention to withdraw its application for CPC funding of the Solar Panel Project. FinCom vote added.

Article 13

To see if the Town will vote to appropriate and transfer the sum of \$65,000 from the Waterways Improvement Fund to the Waterways Dredging Account to cover costs associated with dredging 5,000 cubic yards of sediment in the Popponesset Approach Channel, or take any other action relating thereto.

Submitted by the Waterways Commission

Explanation: This article will transfer funds from the Waterways Improvement Fund to cover costs associated with dredging 5,000 cubic yards of sediment in the Popponesset Approach Channel to provide safe navigation. This is a long haul dredge.

The Board of Selectmen

The Finance Committee recommends Town Meeting approval by a vote of 6-0

CHANGES: FinCom vote added.

Article 14

To see if the Town will vote to appropriate and transfer the sum of \$37,800 from the Waterways Improvement Fund to the Waterways Dredging Account to cover costs associated with dredging 4,200 cubic yards of sediment from the 1916 Channel, or take any other action relating thereto.

Submitted by the Waterways Commission

Explanation: This article will transfer funds from the Waterways Improvement Fund to the Waterways Dredging Account to cover costs associated with dredging 4,200 cubic yards of sediment from the 1916 Channel to provide safe navigation. This is a short haul dredge.

The Board of Selectmen

The Finance Committee recommends Town Meeting approval by a vote of 6-0

CHANGES: FinCom vote added.

Article 15

To see if the Town will vote to appropriate and transfer the sum of \$100,000 from the Waterways Improvement Fund to the Great River/Little River Extension Account for the purpose of conducting an engineering review/study of extension/connection (improvement dredge) of the Great River/Little River Channel to the Town of Falmouth Waquoit Bay Main Channel, and an improvement dredge of the Little River entrance to Hamblin Pond, or take any other action relating thereto.

Submitted by the Waterways Commission

Explanation: This article will transfer funds from the Waterways Improvement Fund to cover engineering/consulting costs for new dredging permits to develop an extension of the Great River/Little River Channel to the Falmouth Waquoit Bay Main Channel, to open the entrance to Hamblin Pond from Little River, and also to conduct a review of sediment disposal.

The Board of Selectmen

The Finance Committee recommends Town Meeting approval by a vote of 6-0

CHANGES: FinCom vote added.

Article 16

To see if the Town will vote to appropriate and transfer the sum of \$20,000 from the Waterways Improvement Fund to the Department of Natural Resources Equipment Expense account for the purpose of purchasing equipment/hardware for maintenance of the waterways by the Department of Natural Resources/Harbormaster, or take any other action relating thereto.

Submitted by the Waterways Commission

Explanation: This article will transfer funds from the Waterways Improvement Fund to cover costs of channel markers, associated hardware, chains, anchors and miscellaneous equipment, which is needed by the Harbormaster to properly identify channels for safe navigation.

The Board of Selectmen

The Finance Committee recommends Town Meeting approval by a vote of 6-0

CHANGES: FinCom vote added.

Article 17

To see if the Town will vote to amend the Zoning By-law as follows:

Add the following new subsection:

174-30.1 Sight Obstruction

To promote public safety at all Street intersections/corner lots in all Districts, no sign (except signs erected by the Town of Mashpee), fence, wall, hedge, or other visual obstruction, shall be maintained, installed, or erected at a height of more than two and one half (2.5) feet above the plane of the established grades of the Street within a triangular area on a corner lot formed by the Street layout lines twenty (20') feet distant from their point of intersection or, in the case of a rounded corner, the point of intersection of such lines as projected.

Or take any other action relating thereto.

Submitted by Board of Selectmen

Explanation:

The Board of Selectmen
The Finance Committee HOLD

CHANGES: Language revision by Town Counsel.

Article 18

To see if the Town will vote to amend the Zoning By-law as follows:

Amend Section 174-31, Land Space Requirements Table, footnote 14, by inserting the term "C-1 District or" before the term "Mashpee Center Overlay District" in the first sentence;

or take any other action related thereto.

Submitted by Planning Board

Explanation: This article is intended to remove the requirement for a 50-foot wide natural wooded buffer at the front of commercial lots along Routes 28 and 151, Great Neck Road South and North in the C-1 Commercial Zoning District, located in the area of the Mashpee rotary, an area which is intended to serve as the Town's downtown core area.

The Board of Selectmen
The Finance Committee HOLD

CHANGES: None

Article 19

To see if the Town will vote to amend the Zoning By-law as follows:

Amend Section 174-31, Land Space Requirements Table, by reducing the required side and rear setbacks in the R-5 Zoning District from 25 feet to 15 feet;

or take any other action related thereto.

Submitted by Planning Board

Explanation: This article is intended to reduce side and rear setbacks in the R-5 residential zoning district from 25 to 15 feet to make them consistent with the same requirements in the R-3 residential zoning district and to reduce the number of potential variance requests in the R-5 district, the majority of whose existing lots are much smaller than the district's 80,000 square foot minimum lot size required for new subdivision lots.

**The Board of Selectmen
The Finance Committee HOLD**

CHANGES: None

Article 20

To see if the Town will vote to amend the Zoning By-law as follows:

Delete Subsection 174-33, Setback from water and wetlands.

Or take any other action relating thereto.

Submitted by the Board of Selectmen

Explanation: This article is intended to eliminate a zoning requirement for a 50-foot setback from water and wetlands, as it duplicates a similar requirement in place under the Town's wetlands regulations.

**The Board of Selectmen
The Finance Committee HOLD**

CHANGES: Article language revised by Town Planner and Conservation Agent, with approval of Town Manager. Submitted by Board of Selectmen.

Article 21

To see if the Town will vote to amend Chapter 120 of the General By-laws as follows:

Delete Subsection 120-1 in its entirety and replace with the following:

§120-1 Noise Control:

- A. **Sound-making devices and boisterous persons.** It shall be unlawful for any person or persons occupying or having charge of any building or premises or any part thereof in the Town of Mashpee, other than that section of any establishment licensed under Chapter 138 of the Massachusetts General Laws, to cause or allow any unnecessary, loud, excessive, or unusual noises in the operation of any radio, phonograph, or other mechanical sound making-device or instrument or reproducing device, or in the playing of any band, orchestra, musician or group of musicians, or in the use of any device to amplify the aforesaid, or the making of outcries, exclamations or other loud or boisterous noises by any person or group of persons. The fact that the noise is plainly audible at a distance of 150 feet from which it originates shall constitute prima facie evidence of a violation of this article.

- B. **Noise from dwellings, buildings, boats and other conveyances.** It shall be unlawful for any person or persons in or about any dwelling, building, premises, shelter, boat or conveyance, or any part thereof, other than that section of any establishment licensed under Chapter 138 of the Massachusetts General Laws, to cause, between the hours of 10:00 p.m. and 7:00 a.m., any unnecessary, loud, excessive, or unusual noises in the operation of any sound-making device, or in the playing of any band, orchestra, musician or group of musicians, or the making of loud outcries and boisterous singing by any person or group of persons. For the purposes of this section, noises which would disturb the reasonable quiet, comfort, repose or health of others include but are not limited to: loading and unloading activities, use of power tools, use of radios, use of televisions, use of amplifiers, use of musical instruments, and use of lawn or landscaping equipment. The fact that the noise is plainly audible at a distance of 150 feet from which it originates shall constitute prima facie evidence of a violation of this article.
- C. **Noise from motor vehicles.** It shall be unlawful for any person while in control of any motor vehicle, as defined by Massachusetts General Law Chapter 90, Section 1, as amended, in the Town of Mashpee to cause unnecessary, loud, excessive, or unusual noise in the operation of the motor vehicle, as defined by Massachusetts General Law Chapter 90, Section 1, as amended. The fact that the noise is plainly audible at a distance of 150 feet from the motor vehicle from which it originates shall constitute prima facie evidence of a violation of this article.
- D. **Applicability.** Any person shall be deemed in violation of this by-law who shall make, or aid and abet, or cause, or assist in making of any such noise outlined in any section of this article. A person who violates this section shall be issued a warning or citation. If such warning or citation is ignored and the noise continues, the violator shall also subject to arrest.
- E. **Non-applicability.** This article shall not be applicable to fire signals or alarms, or to sounds emanating from police, fire, or other governmental or emergency vehicles.

Submitted by the Board of Selectmen

Explanation:

The Board of Selectmen
The Finance Committee **HOLD**

CHANGES: Article inserted (currently being reviewed by Town Counsel).

Article 22

To see if the Town will vote to amend Chapter 170 of the General By-law as follows:

Add the following new subsection:

170-18 Use of Town Floats at Mashpee Public Access Ramps

Town Floats are intended for use to accommodate traffic and safety of boaters during time of Watercraft entry and removal from the water. Tie-up to Town Floats is permitted only while a Person is off-loading or loading a Watercraft from or onto a trailer, as minimal time is required to position a vehicle with a trailer attached. Unattended tie-up is prohibited.

The operator of any Watercraft who violates this section shall be subject to a fine in the amount of \$100 for each offense hereof, which violation shall be enforced pursuant to Section 170-3 of this By-law.

Or take any other action relating thereto.

Submitted by the Board of Selectmen

Explanation: Public access to the water is limited in Mashpee, and public access ramps provided by the Town require directions to enable safe operation by users. The floats are provided to assist users, and are not in place to enable boaters to tie up for an extended period of time. Approval of this article would prohibit unattended tie-up, and assess a fine for violators.

The Board of Selectmen

The Finance Committee recommends Town Meeting approval by a vote of 6-0

CHANGES: Article language revised by Town Counsel. FinCom vote added.

Article 23

To see if the Town will vote to amend the General By-law as follows:

Replace Subsection 153-1 in its entirety with the following language:

"All private outdoor swimming pools shall be fenced to prevent unauthorized entry to said pool(s), in accordance with the requirements of the Massachusetts State Building Code, as said Code may be amended from time to time."

Or take any other action relating thereto.

Submitted by the Building Department

Explanation: This article is intended to have the same requirement for the height of a fence around a swimming pool as outlined under the Massachusetts State Building Code. As it now stands, the Town of Mashpee has a height requirement that is in conflict with the Massachusetts State Building Code. This will alleviate the confusion as to what height the fence is to be.

The Board of Selectmen

The Finance Committee recommends Town Meeting approval by a vote of 6-0

CHANGES: Article language revised by Town Counsel. FinCom vote added.

Article 24

To see if the Town will vote to amend Chapter 172-5 of the General By-law as follows:

Add the following introductory sentence to Chapter 172-5(A)(2):

“Any person filing a Notice of Intent application with the Commission must, after being given written notice by the Commission of the time and date of the required hearing, notify all abutting property owners within one hundred (100) feet of the boundary of the property on which the work is proposed, according to the most recent records of the Assessor, including owners in another municipality.”

Or take any other action relating thereto.

Submitted by the Conservation Department

Explanation: This language previously existed in Chapter 172 of the General By-law but was inadvertently omitted in the latest revisions to this section of the by-law.

The Board of Selectmen

The Finance Committee recommends Town Meeting approval by a vote of 6-0

CHANGES: Article language revised by Town Counsel. FinCom vote added.

Article 25

To see if the Town will vote to amend the General By-law as follows:

Add the following chapter.

CHAPTER 126 – PROHIBITED ACTIVITIES

ARTICLE I – Single-Use Plastic Bag

126-1. Purpose and Intent:

The production, use and disposition of single-use plastic bags, as defined herein, has significant impacts on the marine and terrestrial environment of all coastal communities, including but not limited to:

- A. Contributing to the injury and even death of marine and terrestrial animals through ingestion and entanglement;
 - B. Contributing to pollution and degradation of the terrestrial and coastal environment;
 - C. Clogging our storm drainage systems;
 - D. Creating mechanical and disposal burdens for solid waste collection and recycling facilities; and
 - E. Requiring the use of millions of barrels of non-renewable, polluting, fossil fuel nationally for their manufacture.
-
- 1. Studies have shown that even those plastic bags made from "biodegradable," "compostable" or "oxo-biodegradable" materials, which all require very specific and controlled environments to fulfill their claims, are for all intents and purposes identical to single-use high or low-density polyethylene plastic bags in their potential impacts to the environment as set forth above. Bags of these types are therefore also subject to the requirements herein.
 - 2. The goal of this Bylaw is to join neighboring towns on Cape Cod in protecting, conserving and enhancing our unique natural beauty and irreplaceable natural resources by phasing out, within the retail sector, the use of certain single-use plastic bags, as defined herein, and by encouraging the use of reusable bags within the retail and municipal sectors. Therefore, the Town of Mashpee seeks to phase out the use of single use plastic bags by December 31, 2017.

126-2. Definitions:

Carryout Bag - Any bag that is provided at the point of sale to a customer by an establishment for use to transport or carry away purchases, such as merchandise, goods or food, except as otherwise exempted under §126-3B.

Customer - Any person purchasing goods, articles, food or personal services from an establishment.

Enforcing Person - Those persons listed in §126-6, namely any police officer or agent of the Board of Health: non-criminal enforcement of ordinances, rules and regulations, of the General Ordinances of the Code of the Town of Mashpee, as further delegated by the time of taking effect pursuant to §126-5.

Establishment - Any business selling goods, articles, food or personal services to the public, including but not limited to markets, merchandise retailers, food purveyors, public eating establishments and take-out restaurants.

Operator - The person in control of, or having the responsibility for, the operation of an establishment, which may include, but is not limited to, the owner.

Person - Any natural person, firm, corporation, partnership, or other organization or group however organized.

Product Bag - A bag integrated into the packaging of the product.

Reusable Bag - A bag with handles specifically designed for multiple reuse; and is either:

1. Made of cloth or other machine washable fabric; or
2. Made of durable, non-toxic plastic generally considered a food-grade material that is more than 4 milliliters thick.

Single Use Plastic Bag - For the purposes of this Bylaw is defined as a bag made of plastic, including but not limited to bags made of any and all grades of polyethylene, polyethylene terephthalate, polyvinyl chloride, polypropylene, nylon, "biodegradable," "compostable" or "oxo-biodegradable" materials, with a thickness of less than 4.0 milliliters provided at the checkout stand, cash register, point of sale or other point of departure and that are intended for the purpose of transporting food or merchandise out of the Establishment. Single-use plastic bags **do not include** plastic bags provided to the customer, which are a maximum of 11 inches by 17 inches and are without handles, listed below:

1. To transport produce, bulk food, candy or meat from a department within a store to the point of sale;
2. To hold prescription medication dispensed from a pharmacy;
3. To segregate food or merchandise that could damage or contaminate other food or merchandise when placed together in a point-of-sale bag;
4. To distribute newspapers; or
5. To protect clothing in dry-cleaning establishments.

126-3 Use and Regulation:

- A. Single-use plastic carryout bags shall not be sold, provided, or distributed to a customer or any other person by any person, owner, or operator of any establishment within the Town of Mashpee. Existing stock of single-use bags shall be phased out within **twelve (12)** months of adoption of this article; any remaining stock shall be disposed of properly by the establishment.

B. Exemptions and Alternatives:

1. The following are exempt and not subject to the provisions of this chapter. These types of bags are in addition to the 5 types of bags that are not single use plastic bags as defined in Section 2.
 - (1) Bags used by customers inside establishments to:
 - (a) package bulk items, such as fruit, vegetables, nuts, grains, candy or small hardware items;
 - (b) contain or wrap frozen foods, meat, or fish, whether packaged or not; or
 - (c) contain or wrap flowers, potted plants, newspapers, or other items where dampness may be a problem;
2. Laundry or dry-cleaning bags or bags sold in packages containing multiple bags intended to be used for home food storage, garbage, waste, pet waste or yard waste.

3. Product bags.

- C. Nothing in this chapter prohibits customers from using bags of any type that they bring to the grocery store, food provider, or other establishment themselves or from carrying away goods that are not placed in a bag. Customers are encouraged to bring their own reusable bags to the aforesaid establishments.
- D. Establishments may and are strongly encouraged to distribute paper bags, reusable bags and boxes available to customers with or without charge and educate their staff to promote reusable bags and post signs encouraging customers to use washable reusable bags.
- E. The Town Manager or designee may prior to the effective date of this ordinance engage in any outreach process to establishments concerning this ordinance and exempt an establishment from the requirements of §126-3A for a period of not more than one year upon the establishment's showing, in writing, that this Bylaw would create an undue hardship or practical difficulty not generally applicable to other persons in similar circumstances. The decision to grant or deny an exemption shall be in writing and the Town Manager's decision shall be final.

126-4 Reusable Bag Policy:

Notwithstanding the provisions of §126-3B, an establishment shall provide a reusable bag at no cost upon the request of a customer who uses a voucher issued under the Special Supplemental Food Program for Women, Infant and Children (WIC) pursuant to M.G.L. c. 111. Customers are encouraged to bring their own reusable shopping bags to stores. Establishments may provide reusable bags at no charge, or charge a reasonable fee for each paper or other bag, as they desire. Establishments are strongly encouraged to make reusable bags available for sale to customers at a reasonable price.

126-5 Time to Take Effect:

In addition to the exemption provided in §126-3B, in order to further assist existing establishments in complying with this ordinance by phasing out the use of single-use plastic carryout bags over a period of 12 months from the effective date this ordinance, this ordinance shall take effect after 12 months from the date of its adoption.

126-6 Inspection and Enforcement:

Any enforcing person shall have the right to enter any establishment during regular business hours, without a search or inspection warrant, to make reasonable inspection to ascertain whether there is compliance with the provisions of this chapter. Upon finding a violation of this chapter an enforcing person shall issue a written warning notice to the operator of the establishment that a violation has occurred and the potential penalties that will apply for future

violations. This article may be enforced by any Town police officer or agents of the Board of Health. This article may be enforced through any lawful means in law or in equity, including, but not limited to, noncriminal disposition pursuant to MGL c. 40, §21D and appropriate chapter of the Town's General By-laws.

126-7 Violations and Penalties:

Any establishment that violates or fails to comply with this chapter shall be subject to the following penalties to be enforced in law or equity by any means, including without limitation noncriminal disposition pursuant to G. L. c. 40 § 21D, provided that no more than one (1) penalty after written warning shall be imposed upon an establishment within a seven (7) day calendar day period: First Offense: \$50.00 fine. Second Offense: \$100.00 fine. Third and Subsequent Offense: \$200.00 and the Town may in its discretion publish the fine on its web site after the third and subsequent offense.

126-8 Severability:

If any provision of this ordinance shall be held to be invalid by a court of competent jurisdiction, then such provision shall be considered separately and apart from the remaining provisions of this ordinance, which shall remain in full force and effect.

Submitted by Environmental Oversight Committee

Explanation: The production, use and disposition of single-use plastic bags, including bags made of high-density polyethylene, low-density polyethylene, "biodegradable," "compostable" or "oxo-biodegradable" materials, have significant impacts on the marine and terrestrial environment of all coastal communities, including but not limited to:

- 1) Contributing to the injury and even death of marine and terrestrial animals through ingestion and entanglement;
- 2) Contributing to pollution and degradation of the terrestrial and coastal environment;
- 3) Clogging our storm drainage systems;
- 4) Creating mechanical and disposal burdens for solid waste collection and recycling facilities; and
- 5) Requiring the use of millions of barrels of non-renewable, polluting, fossil fuel nationally for their manufacture.

Studies have shown that even those plastic bags made from "biodegradable," "compostable" or "oxo-biodegradable" materials, which all require very specific and controlled environments to fulfill their claims, are for all intents and purposes identical to single-use high or low-density polyethylene plastic bags in their potential impacts to the environment as set forth above. Bags of these types are therefore also subject to the requirements herein.

The goal of this by-law is to join neighboring towns on Cape Cod in protecting, conserving, and enhancing our unique natural beauty and irreplaceable natural resources by phasing out, within the retail sector, the use of certain single-use plastic bags, as defined herein, and by encouraging the use of reusable bags within the retail and municipal sectors. Therefore, the Town of Mashpee seeks to phase out the use of single-use plastic bags by December 31, 2017.

The Board of Selectmen

The Finance Committee recommends Town Meeting approval by a vote of 5-1

CHANGES: FinCom vote added.

Article 26

To see if the Town will vote to authorize the Board of Selectmen to acquire, by gift or otherwise, title to that certain parcel of land identified on Mashpee Assessor's Map 62 as Parcel 25 and located at 46 Arabic Avenue in Mashpee, Barnstable County, Massachusetts, consisting of 0.229 acres, more or less, for general municipal purposes, and to authorize the Board of Selectmen to enter into all agreements and execute any and all instruments on behalf of the Town as may be necessary to effect this transfer of title, or take any other action relating thereto.

Submitted by the Board of Selectmen

Explanation: The owner of the subject parcel of land has offered to donate the subject property to the Town. All real estate taxes and other municipal assessments with respect to the property have been paid in full. This Article seeks to authorize the Board of Selectmen to accept the land donation, whereupon, the Board will consider the most appropriate public use of the property.

The Board of Selectmen

The Finance Committee HOLD

CHANGES: Explanation added by Town Counsel.

Article 27

To see if the Town will vote to transfer the use of, and authorize the Board of Selectmen to convey to Southworth Willowbend, LLC, an easement for private irrigation/utility purposes within Quinaquisset Avenue, specifically, that portion of said way measuring approximately 6.5 feet by 64.87 feet, containing 324 square feet +/-, shown as "E-2" on the plan entitled "Easement Plan of Land, Quinaquisset Avenue, Mashpee, MA," prepared by Surveying and Mapping Consultants for Tighe & Bond, Inc., dated June 8, 2016 (the "Plan"); to authorize the Board of Selectmen to accept from Southworth Willowbend, LLC the grant of an easement for stormwater and headwall maintenance and access purposes, shown as "E-1" on said Plan, containing 1831 square feet +/- in and over that portion of the parcel of land located on Quinaquisset Avenue, described in the deed recorded at the Barnstable County Registry of Deeds at Book 26395, Page 222, and

identified on Mashpee Assessor's Map 69, as parcel 117-0; and, further, to authorize the Board of Selectmen to execute any agreements, documents, or instruments necessary to effect said easement transfers upon such terms and conditions as they deem to be in the best interest of the Town, or take any other action relating thereto.

Submitted by the Board of Selectmen

Explanation: This Article seeks to authorize the exchange of easements between the Town and a private property owner abutting a portion of Quinaquisset Avenue, a public way, whereby the Town would be granted easement rights over private property for purposes of constructing and maintaining stormwater control/headwall structures at the base of the subject portion of Quinaquisset Avenue which are necessary to maintain the structural integrity and, thus, the safe use of this public way. In consideration of the easement rights granted to the Town, the Town will be granting a formal easement to authorize the location of irrigation and utility lines under Quinaquisset Avenue, which are necessary for maintenance and operation of the cranberry bogs located on each side of Quinaquisset Avenue. The Town and the private property owner have engaged in cooperative discussions relative to proposed plans for construction of these improvements, and the granting of the respective easements referenced in this Article is essential to completion of this project.

The Board of Selectmen

The Finance Committee HOLD

CHANGES: Explanation added by Town Counsel.

Article 28

To see if the Town will vote to authorize and empower the Board of Selectmen to prepare a plan laying out and defining Winslow Drive and Holly Farm Drive, and to accomplish said purpose and for expenses related thereto, the Town vote to appropriate and transfer from revenue available for appropriation the sum of \$6,000 to the Winslow Drive and Holly Farm Drive Roadways Account, or take any other action relating thereto.

Submitted by Petition

The Board of Selectmen

The Finance Committee recommends Town Meeting approval by a vote of 6-0

CHANGES: None

Article 29

To see if the Town will vote to accept the layouts as public ways of Windsor Way, Victoria Circle, Saxony Drive, Tudor Terrace and Sheffield Place, as shown on plans entitled "Windsor Way

Easement Taking Plan,” dated December 30, 2015; “Victoria Circle Easement Taking Plan,” dated December 30, 2015; “Saxony Drive Easement Taking Plan,” dated December 30, 2015; “Tudor Terrace Easement Taking Plan,” dated December 30, 2015; and “Sheffield Place Easement Taking Plan,” dated December 30, 2015, in Mashpee, MA (Barnstable County), prepared by Baxter Nye Engineering & Surveying, which layouts shall have been filed in the Office of the Town Clerk not later than seven days prior to the date of vote hereunder, and to authorize the Board of Selectmen to acquire by gift, purchase, or eminent domain taking any land necessary for the purposes of such ways as so laid out, and to appropriate the sum of \$521,629 to the Spring Hill Roadways Account, and to raise said appropriation, the Treasurer, with the approval of the Board of Selectmen, be authorized to borrow at one time, or from time to time, under and pursuant to Chapter 44 Section 7 or 8, or any other enabling authority for such purchase or taking and layout, including costs of constructing such ways, and legal financing, and other costs incidental and related thereto, and further authorize the Board of Selectmen to assess betterments to the owners of the land abutting the ways, or take any other action relating thereto.

Submitted by Petition

The Board of Selectmen

The Finance Committee recommends Town Meeting approval by a vote of 6-0

CHANGES: None

Article 30

To see if the Town will vote to accept the layout as a public way of Leeward Lane, as shown on plans entitled “Leeward Lane Easement Taking Plan,” dated December 30, 2015, in Mashpee, MA (Barnstable County), prepared by Baxter Nye Engineering & Surveying, which layouts shall have been filed in the Office of the Town Clerk not later than seven days prior to the date of vote hereunder, and to authorize the Board of Selectmen to acquire by gift, purchase, or eminent domain taking any land necessary for the purposes of such ways as so laid out, and to appropriate the sum of \$104,167 to the Leeward Lane Roadways Account, and to raise said appropriation, the Treasurer, with the approval of the Board of Selectmen, be authorized to borrow at one time, or from time to time, under and pursuant to Chapter 44 Section 7 or 8, or any other enabling authority for such purchase or taking and layout, including costs of constructing such ways, and legal financing, and other costs incidental and related thereto, and further authorize the Board of Selectmen to assess betterments to the owners of the land abutting the ways, or take any other action relating thereto.

Submitted by Petition

The Board of Selectmen

The Finance Committee recommends Town Meeting approval by a vote of 6-0

CHANGES: None

And you are hereby directed to serve this Warrant by posting up attested copies thereof, one at the Town Hall, one at the Post Office, and one each on the bulletin boards, thirty days at least before said meeting.

Hereof fail not and make return of this Warrant with your doings thereon to the Town Clerk at the time and place of said meeting.

Given under our hands this 12th day of September in the year two thousand and sixteen.

Per Order of,
Board of Selectmen

Andrew R. Gottlieb, Chairman
John J. Cahalane, Vice-Chairman
Thomas F. O'Hara, Clerk
Carol A. Sherman
John J. Cotton



Town of Mashpee

*16 Great Neck Road North
Mashpee, Massachusetts 02649*

Conservation Commission

DATE: August 26, 2016
TO: Mashpee Board of Selectmen
FROM: Drew McManus, Mashpee Conservation Agent
RE: Recommendation for New Conservation Commissioner- Thomas J. O'Neill

DESCRIPTION: The Mashpee Conservation Commission recommended Thomas J. O'Neill for position of full time commissioner at their public meeting on August 25, 2016.

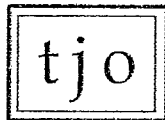
BACKGROUND: Mr. O'Neill submitted a letter of interest to the Conservation Department to join the Commission. He introduced himself to the commission at their meeting on August 25th, including his background, experience and motivation for joining the commission.

RECOMMENDATION: The commission voted unanimously to endorse Mr. O'Neill's petition to become a full time member.

PROS: Mr. O'Neill is an established resident of Mashpee and local businessman. He has significant experience with landscape design/ landscape architecture and a college degree in biology. Mr. O'Neill has a passion for Mashpee's natural resources, which he cited as primary motivation for joining the commission.

CONS: None

Drew McManus
Mashpee Conservation Agent



thomas j o'neill

design · build · interiors

Thomas J. O'Neill
35 Red Cedar Road
Mashpee, MA. 02649.

Work Experience

1992 – Present

Thomas J. O'Neill Inc. - Principal, Design - build firm, Mashpee, M.A.

Professional Affiliations

2003 - Present

Board member Mashpee Chamber of Commerce

Past Board Affiliations

Cape Cod Foundation

Mashpee Community Concert Committee

Mashpee Public Library Committee

Cape Cod Children's Museum

St. Mary's Education Fund

Awards

2014 Mashpee Citizen of the Year

2014 Build a Better Mouse Trap Award Cape Cod S.C.O.R.E

2006 Distinguished Service Award – Mashpee Chamber of Commerce

Education

Fordham University – B.A. French/Biology

Wilbraham & Monson Academy, Wilbraham, M.A. – High School

office

26 bates road · mashpee, ma 02649
phone 508.477.5600 · fax 508.477.6277

mail

p.o. box 625 · mashpee, ma 02649
tjoneill@thomasjoneill.com

Christine Willander

From: Jean Giliberti <jeangiliberti@comcast.net>
Sent: Thursday, August 25, 2016 5:12 PM
To: Rodney C. Collins
Cc: Eliason, Andrew; Christine Willander; Jean Giliberti
Subject: BOS MEETING AGENDA REQUEST FROM MCAT

TO: RODNEY COLLINS, TOWN MANAGER

Dear Chief Collins,

Morgan Peters submitted to Christine Willander his resume and emailed notice of interest in becoming a member of the Mashpee Cable and Advanced Technology Advisory Board (MCAT).

Mr. Peters attended the MCAT Board meeting yesterday (August 23rd) and participated in an introductory-type discussion; he presented his background and experience that would be beneficial toward serving on the MCAT Board; and the Board briefly described to Mr. Peters the function of the Board and in their advisory capacity how their recommendations are presented to the Board of Selectmen.

MCAT Board members unanimously agreed Mr. Morgan Peters would be a welcome addition to the MCAT Board.

The purpose of this email is to request you place on the Board of Selectmen Meeting Agenda the MCAT Board's recommendation to appoint Morgan Peters to the Mashpee Cable and Advanced Technology Advisory Board.

Rodney, please let me know if you require anything further from MCAT in order to accomplish this request.

Thank you.

Andy
Andrew Eliason, Chairman
Mashpee Cable and Advanced Technology Advisory Board

cc emailed to: Christine Willander

Christine Willander

From: blackwamp777@gmail.com on behalf of Mwalim DaPhunkeeProfessor
<info@daphunkeeprofessor.com>
Sent: Saturday, April 30, 2016 11:29 AM
To: Christine Willander
Subject: Seeking Board Position for MCAT
Attachments: MJP-CV.pdf

Gentlemen:

Please accept this email and attached resume as my interest in one of the vacant seats on the Mashpee Cable & Advanced Technology board.

I have an MS in Film Production, over twenty-five years of professional experience in the field, including teaching digital media production at UMass Dartmouth; and I've been a member of the cable station since it was at Deer Crossing, over the gym.

If you have any questions or concerns, feel free to reach me at 508-566-6269.

Thank you in advance for your time and attention.

Morgan James Peters
A.k.a. Mwalim

MWALIM *7)
DaPhunkeeProfessor
Morgan James Peters, BA, MS, MFA
Artist - Writer - Educator
P.O. Box 2151
Mashpee, MA 02649
508-566-6269

info@daphunkeeprofessor.com
www.daphunkeeprofessor.com

MWALIM (MORGAN JAMES PETERS, I)

CAMPUS: 285 Old Westport Rd, N. Dartmouth, MA

HOME: P.O. Box 2151, Mashpee, MA 02649

mpeters@umassd.edu

TEACHING & PROFESSIONAL EXPERIENCES:

2009 – Pres The GroovaLottos, Cape Cod, MA

Keyboardist, Vocalist, Songwriter & Band Director

- ◆ Writing songs and arranging music for the band.
- ◆ Playing keyboard and singing at performances.
- ◆ Leading music education workshops at schools and community programs.
- ◆ Lecturing on 'Black Indian' music at various venues.
- ◆ Designed band's logo and promotional materials.
- ◆ Administering the group's non-profit, community organization, Song Keepers, LTD.

University of Massachusetts Dartmouth, North Dartmouth, MA.

2011 – Pres Director of Black Studies

2009 – Pres Tenured Associate Professor of English & Black Studies

2003 – 2009 Assistant Professor of English & Black Studies

- ◆ Teaching advanced and introductory courses in critical and creative writing.
- ◆ Teaching basic and advanced digital filmmaking.
- ◆ Teaching literature courses in drama and Black folklore.
- ◆ Teaching courses in oral tradition and spoken-word performance.
- ◆ Conducting scholarly research and critical analysis of performance traditions of eastern Native and African American people.
- ◆ Writing grants to support creative & scholarly activities.
- ◆ Writing plays, books, short stories, essays, articles, and screenplays for publication and presentation.
- ◆ Serving on departmental and university-wide committees and project task forces.
- ◆ Advising students and student organizations.

2012 Hibernian Hall, Boston, MA

Distinguished Artist In Residence

- ◆ Developing and presenting an original theatrical work for presentation.
- ◆ Engaging community artists and residents in the project as performers and audiences for the presentation.

2004 – Pres New African Company, Inc., Boston, MA

Playwright In Residence

- ◆ Writing and presenting new works in drama and spoken-word.
- ◆ Teaching workshops in playwriting and performance poetry.
- ◆ Curating a bi-monthly play reading series.
- ◆ Establishing and facilitating collaborations with other community organizations and institutions around presenting theater and the literary arts to the community.

2002 – 2003 Melodic Syndrome/ Sony Music. New York, NY

Staff Producer, Band Director

- ◆ Writing and producing songs for spec artists.
- ◆ Leading the house band for label showcase events.
- ◆ Leading the house band at the Baggot Inn for artist auditions.
- ◆ Collaborating with artists and producers to create sound recordings.

2001 – 2002 Radius Media Group/ Universal. Brooklyn, NY

Staff Media Producer

- ◆ Assisting recording artists in developing new projects.
- ◆ Editing and producing music videos for various clients.
- ◆ Filming and directing the filming of concerts and performances
- ◆ Collaborating with artists and producers to create new songs.
- ◆ Coordinating and supervising video shoots and productions.
- ◆ Editing various film and video projects for clients, including record labels, cable programming and on-line content.

1989 – Pres Performing Artist, Educator & Media Specialist

- ◆ Performing storytelling, drama and spoken-word in various venues, schools and institutions.
- ◆ Conducting research, critical analysis and writing projects around the folklore, dramatic and oral traditions of Eastern Native American and African American people.
- ◆ Providing technical assistance in research projects for independent scholars, organizations and institutions.
- ◆ Writing, and developing plays and solo performance pieces for public presentation.
- ◆ Writing short stories, poetry, articles, and essays for various publications, including periodicals and anthologies.
- ◆ Leading workshops and seminars in creative writing, film production and theatre arts.
- ◆ Lecturing and giving talks on Black aesthetics & nationalism in America.
- ◆ Providing contracted services in various aspects of film and video production (producer, editor, sound designer, writer, camera operator) various clients.

PROFESSIONAL HONORS, GRANTS & FELLOWSHIPS:

- 2015: Silver Arrow Award from the Silver Arrow Music Association. New York, NY
- 2015: Mashpee Wampanoag Professional & Business Leadership Award. Mashpee, MA
- 2014: Robeson Arts Fellowship. New York, NY
- 2014: “Best Jazz Artist” New England Urban Music Awards. Boston, MA
- 2014: Silver Arrow Award from the Silver Arrow Music Association. New York, NY
- 2013: “Best Pop Recording” Top Nominee. NAMA. New York, NY
- 2012: Citation from Boston City Council for Outstanding Contributions. Boston, MA
- 2012: New England Foundation for the Arts, Native Arts Fellow. Boston, MA
- 2012: “Best Jazz Artist” New England Urban Music Awards. Boston, MA
- 2011 - 2013: Osborne Foundation Fellowship. New York, NY
- 2011: “Educator of the Year” NAACP, Hyannis, MA
- 2010: “Best Jazz Artist” New England Urban Music Awards. Boston, MA
- 2010 – 2012: LeDuc Center for Civic Engagement Fellow. N. Dartmouth, MA
- 2007: Ossomiquan Award from the Mashpee Wampanoag Tribe. Mashpee, MA
- 2008: New England Foundation for the Arts, Native Arts Fellow. Boston, MA
- 2006 – Pres: Playwright-In-Residence. Prince Hall Grand Lodge Historian’s Dept. Boston, MA
- 2005 – ’06: Filmmaker-In-Residence. WGBH-TV. Boston, MA

CURRICULUM VITAE
MWALIM (MORGAN JAMES PETERS, I)

2004 – Pres: Playwright-In-Residence. New African Company. Boston, MA
2003: New York Theatre Forum. Outstanding New Playwright. New York, NY
2002 – 2003: Gallery Fellow. Longwood Cyber Arts Gallery. Bronx, NY

Presentations/ Productions of Dramatic Writings

1. PRODUCTION: “Ask and it Shall Be Given” directed by Naheem Garcia for The P.A.C.K. at the William E Reed Auditorium, Dorchester, MA. April 2014
2. PRODUCTION: “Geek With Swag” directed by Neiel Israel a touring performance from April 2013 to November 2013
3. PRODUCTION: “WETU In The City” directed by Naheem Garcia for New African Company at Hibernian Hall. November 2012
4. PRODUCTION: “Among Brothers” directed by Naheem Garcia for The P.A.C.K. at the KROC Center, Dorchester, MA. April 2012
5. READING: “You’re An Indian?” directed by Billie Atkins for New African Company at the North American Indian Council of Boston. March 2012
6. WORKSHOP PRODUCTION: “Back To Black” directed by Born Bi-Kim for Blood Skin Land Productions at Hibernian Hall. November 2011
7. PRODUCTION: “They Never Took Our Drums” directed by James Wolf for the Mashantucket Pequot Museum & Research Center. October 2011
8. PRODUCTION: “Hollering Murder” directed by Vincent Siders as a part of the “Screaming Murder” short play presentation. January 2011
9. PRODUCTION: “A Moment of Clarity” directed by Jacqui Davis for the Boston Ten-Minute Marathon/ Boston Playwright’s Theatre. May 2010
10. PRODUCTION: “Knock And Shall Be Opened” directed by Naheem Garcia, produced by the Prince Hall Grand Lodge of Massachusetts. April 2010 Boston, MA
11. READING: “WETU In The City” directed by Born Bi-kim for the Provincetown Theatre Company. March 2010
12. PRODUCTION: “Fool For Love: Poppa Lee Batt’s Street Corner Music Show” Directed by John Marcellino. Presented at the National Black Theatre Festival for a Full Production at the 2009 Festival.
13. PRODUCTION: “Evening Tea: David Walker’s Appeal” , directed by Naheem Garcia. Presented at the African American Studies Conference at Boston University, March 2009
14. READING: “Wetu in the City” National Black Theatre Festival, Directed by Garland Thompson. August 2009

CURRICULUM VITAE
MWALIM (MORGAN JAMES PETERS, I)

15. FULL PRODUCTION: "Seek and Yee Shall Find" directed by Naheem Garcia, produced by the Prince Hall Grand Lodge of Massachusetts. April 2008 Boston, MA.* (2 Performances – 4/23/08 & 4/26/08)
16. FULL PRODUCTION: "Working Things Out" directed by Born Bi-Kim, produced by New African Company. Touring November 2006 – June 2007* (38 performances)
17. STAGED READING: "Wetu in the City" directed by Janice Goveas, produced by First Nation Arts Collaborative, Toronto – Ontario, CA. November 2007* (2 Performances – 11/17/07 & 11/18/07)
18. FULL PRODUCTION: "OM! A Street Corner Griot's Comedy" directed by Born Bi-Kim, produced by New African Company & Roxbury Center for the Arts. September – October 2006* (12 Performances – 9/14, 9/15, 9/16, 9/16, 9/17, 9/17, 9/22, 9/22, 9/23, 9/29, 9/30, 9/30)
19. STAGED READING: "Monumental Proportions" directed by Naheem Garcia @ MW Prince Hall Grand Lodge of Massachusetts for the Historians Committee/ L.O.R.E. May 2006 Boston, MA. (1 Performance – 5/27/06)
20. STAGED READING: "OM! A Street Corner Griot's Comedy" director TBA @ KARAMU House. April 2006 Cleveland, OH (Karamu House is the oldest, professional Black theatre in the USA)* (2 Performances – 4/13 & 4/20/06)
21. STAGED READING: "Look At My Shorts" directed by Sylvia Neander, produced by Irvine Players. December 2006. Irvine, CA (8 Performances – 12/1, 12/2, 12/2, 12/3, 12/8, 12/9, 12/9 & 12/10)
22. WORKSHOP PRODUCTION: "CUSTODY," "STAND," and "The Sleep Over" Directed by Graeme Aymer @ The Africa Center. November - December 2005 London, UK (6 Performances – 11/24, 11/25, 11/26, 12/1, 12/2, 12/3)
23. READING: "Wetu in the City" (Act I) directed by Kimberly Vasquez, produced by Urban Expressionists Lab @ BAAD! November 2005 Bronx, NY* (1 Performance – 11/26/05)
24. FULL PRODUCTION: "Working Things Out" directed by Cilla Albee, produced by New African Company & New Diaspora Drama Lab, presented at the National Black Theatre Festival. July –August 2005 Winston-Salem, N.C.* (6 Performances – 8/1, 8/1, 8/2, 8/2, 8/3, 8/3 – Program & Flyer in Dossier)
25. FULL PRODUCTION: "As Told On The Corner" Directed by Vincent E. Siders. Presented by New African Company. December 2004, Boston, MA (6 Performances – 12/9, 12/10, 12/11, 12/11, 12/12, 12/12)*

Works in Progress

1. DOCUMENTARY: "Song Keepers" an exploration of the composite forms of music that result from the blending of African/ African American and Native American music.
2. SOUND RECORDING: "Ask Yo' Momma" an album of my original music and lyrics as performed by the soul-funk-blues band, The GroovaLottos.

PUBLICATIONS/ CREATIVE WORKS/ SHOWS/ PERFORMANCES:

Publications

1. SHORT STORY: "The Turtle, The Lizard & The Oak Tree" in the Anthology DAWNLAND VOICES, University of New Hampshire Press. 2014
2. ARTICLE: "Indians Once Roamed This Land" in the Trotter Review: Vol. 22: Iss. 1, Article 9. Fall 2014
3. PAPER: "Urban Expressionism: Child of Black Arts Movement & Hip-Hop" delivered at the African American Studies Conference. UNC Chapel Hill. May 2011
4. ARTICLE: "Black Indians and Thanksgiving" for The African Magazine, November 2010
5. BLOG: DaPhunkeeProfessor.com: An on-line collection of my original essays, commentary, poetry, rants and stories. 2006 - Present
6. ESSAY/ARTICLE: *We Heard It In The Fields: The Native American Roots of the Blues*. Written for the companion book to the touring "InDivisble" exhibit of the Smithsonian Institute's Native American pavilion. 2009- 2010
7. ARTICLE: *Prince Hall and the Roots of Black Nationalism*. In the "Craftsman" June 2006 (Historian/ Scholars Journal of the Massachusetts Prince Hall Grand Lodge) and "The Phylaxis" October 2007 (International journal of Prince Hall Masonic Scholars & Historians)
8. PAPER: *Brer Rabbits Children: The Native American Influence on African American Culture*. February 2007, Woods Hole Oceanographic Institute. Falmouth, MA
9. BOOK: *A Mixed Medicine Bag: Original Black Wampanoag Folklore* (Second Edition). Talking Drum Press, Boston. 2007 (Second Edition)
10. ESSAY: *Urban Expressionism*. In "Nat Creole" (Quarterly arts, culture, and criticism publication). New York. February 2007
11. ESSAY: Dowd, Maria D. (ed.). *Everything In It's Time* in the essay collection *Journey Into My Brother's Soul*, Los Angeles: Kimani Press, 2007
12. PAPER: *What I'm About To Tell You: The Griot Tradition & 20th Century Black Theatre*. August 2005, Black Theatre Network Conference. Winston-Salem, N.C.
13. PAPER: "Urban Expressionism: Hip-Hop, Ritual & Contemporary Black Theatre." MLA Conference in Philadelphia, PA. December 2004. (Presented on my behalf due to blizzard)

CURRICULUM VITAE
MWALIM (MORGAN JAMES PETERS, I)

14. PAPER: "Return of the Laughter Keepers: Exploring The History, function & Reactivation of the Wampanoag Ahanacenun Tradition" New Directions Conference at UNC Chapel Hill, March 2004.
15. SHORT FICTION: *The Last Vampire In The Bronx. Wordstock Anthology* (6pp). New York: Wordstock, Inc. 2004. Edited by Reginald Mason.

OTHER PROFESSIONAL ACTIVITIES

Media

1. CO_HOST/ CONSULTANT: "Native American Truths" a weekly radio show in Washington DC hosted by Jay Winter Nightwolf on WPFW – 2013 - Present
2. HOST & WRITER/ RESEARCHER: "Blackademia Wednesday" a weekly radio broadcast giving advocacy advise and tips to parents of children enrolled in public school on how to get the most out of their experience. Broadcast on TOUCH 106.1 in Boston and re-broadcast on podcasts and Internet radio stations throughout the country.

HIGHER EDUCATION:

- ◆ MFA, Creative Writing. Goddard College, Plainfield, Vt. 2006
- ◆ MS, Film Production. Boston University. Boston, MA. 1993
- ◆ BA, Music Composition & History. Boston University, Boston, MA. 1991

Additional Professional Training

- ◆ 1995. Dramaturgy & Playwriting. New African Company. Master Teachers: Lynda Patton & Thomas Grimes
- ◆ 1991 – 1995: Acting & Directing. New African Company. Master Teacher: James Spruill
- ◆ 1993 – 1995. Theater Arts Education. New African Company. Master Teacher: Lynda Patton

MEMBERSHIPS

- ◆ Theatre Communication Group, New York, NY
- ◆ Native American Music Association, New York, NY
- ◆ Gallery X. New Bedford, MA
- ◆ Mashpee Wampanoag Tribe, Mashpee, MA
- ◆ Black Writers Guild, Atlanta, GA
- ◆ Union Lodge #4, Prince Hall Grand Lodge of Massachusetts, F&AM
- ◆ American Society of Composers, Authors & Publishers. New York, NY
- ◆ Alpha Phi Alpha Fraternity, Inc. Baltimore, MD.
- ◆ Modern Language Association. New York, NY
- ◆ Lincoln Center Director's Lab. New York, NY